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84TH CONGRESS, 1st Session } SENATE { REPORT No. 585

HAVA SHPAK, A. A. SHPAK, AND SYMPCHA SHPAK

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 332]

The Committee on the Judiciary, to which was referred the bill (S. 332) for the relief of Hava Shpak, A. A. Shpak, and Sympcha Shpak, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hava Shpak, A. A. Shpak, and Sympcha Shpak. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 57- and 55-year-old husband and wife and their 28-year-old son who are natives of Poland and citizens of Israel. The son first entered the United States on September 27, 1946, to attend the University of California. He returned to Israel in 1948 but he and his brother came to the United States February 14, 1950, as students to attend the University of California. The parents arrived shortly thereafter in the United States to visit their sons and are now in Baltimore, Md., in the used car parts business. The father also owns a wholesale grocery business and an apartment house in Israel. He has four cousins residing in Baltimore, Md. When the beneficiary son graduated in 1951 he went to Baltimore and became a partner in his father's used car parts business.

A letter, with attached memorandum, dated May 17, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissoner of the Immigration and Naturalization Service with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 17, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 332) for the relief of Hava Shpak, her husband, A. A. Shpak, and their son, Sympcha Shpak, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries, by the Baltimore, Md., office of this Service, which has custody of those files.

It is noted that the husband's full name is Abraham Arie Shpak, and that the son's correct first name is Symcha.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota of Poland.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HAVA SHPAK, A. A. SHPAK, AND SYMPCHA SHPAK, BENEFICIARIES OF S. 332

A. A. Shpak, whose full name is Abraham Arie Shpak, and who is also known as Abram Lejb Shpak, a national of Israel, was born in Dubno, Wolyn, Poland, on October 15, 1897. Mr. and Mrs. Shpak arrived in the United States at New York, N. Y., on September 17, 1950, at which time they were admitted as visitors for 3 months. Deportation proceedings were instituted against them on April 30, 1951, on the ground that, after admission as visitors, they remained in the United States for a longer time than permitted. They were accorded a hearing and subsequently an order was entered for their deportation from the United States. This order is outstanding at the present time.

Abraham Arie Shpak resides at 2402 Brookfield Avenue, Baltimore, Md., with his wife, Hava Shpak, and son, Symcha Shpak, who are also beneficiaries of this bill. He is engaged in the occupation of a used car parts dealer in Baltimore, Md. The used car parts business is estimated to be worth between $25,000 and $30,000. Mr. Shpak also owns a wholesale grocery business and an apartment house in Tel-Aviv, Israel, estimated to be worth approximately $100,000. He has the equivalent of a 10th-grade education. He has four cousins residing in Baltimore, Md. Mr. Shpak's last foreign address was No. 8 Mendelson Street, Tel-Aviv, Israel.

Hava Shpak, also known as Hara Shpak, and Chawa Poltorak, a national of Israel, was born in Radziwillow, Poland, on October 12, 1899. Her occupation is that of housewife. She is dependent on her husband for support. She has the equivalent of a high-school education. She has a cousin, Leon Porter, residing at 34 Halcomb Street, Salem, Mass., and another cousin, Abraham Porter, 77 Linden Avenue, Malden, Mass.

Symcha Shpak, who is also known as Sam Shpak, Sympcha Shpak, and Symcha Szpak, a national of Israel, was born in Radziwillow, Poland, on October 2, 1926. He last arrived in the United States at New York, N. Y., on February 14, 1950. He was admitted as a nonimmigrant student. He received extensions of stay to September 28, 1951. Deportation proceedings were instituted against him on July 18, 1951, on the ground that he had remained in the United States after failing to maintain the exempt status of a student under which he had been admitted. A hearing was accorded him and subsequently an order for his deportation was entered. Such order is outstanding at this time. He is employed as a partner in his father's used car parts business in Baltimore, Md., and receives approximately one-fourth of the income from the business. He received a bachelor of arts degree from the University of California in 1951. He served in the British Army from 1944 to 1946 and with the Israeli Army in 1949. He

first entered the United States as a nonimmigrant student on September 27, 1946, to attend the University of California. He departed the United States on December 8, 1948.

Senator John M. Butler, the author of the bill, submitted the following information with reference to S. 547 which was a bill passed by the Senate in the 83d Congress for the relief of the same individuals:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
July 22, 1953.

Hon. ARTHUR V. WATKINS,
Chairman, Immigration and Naturalization Subcommittee,
Committee on the Judiciary, United States Senate, Washington, D. C.

DEAR SENATOR: With reference to the private bill S. 547 which I introduced on behalf of Hava Shpak, A. A. Shpak, and Sympcha Shpak, I thought the following information might be helpful to the committee.

1. The circumstances surrounding their entry into the United States. Abraham Arie Shpak and his wife, Hava Shpak, both natives of Poland, but now citizens of Israel, entered the United States as visitors for pleasure, under section 3 (2) of the Immigration Act of 1924, at the port of New York, N. Y., on September 27, 1950. The purpose of their visit was to see their two sons, both of whom were students at the University of California.

Sympcha Shpak, also a native of Poland, and now a citizen of Israel, last entered the United States as a student under section 4 (e) of the Immigration Act of 1924, at the port of New York, N. Y., on February 14, 1950, for the purpose of resuming his studies at the University of California. He had previously studied at the University of California, from 1946 to 1948, but was called back to Israel in 1949 to serve in the Israel Army.

2. The present activities of the Shpak family: Shortly after their entry into the United States, Mr. and Mrs. Shpak went to Baltimore where they have many relatives, including an aunt and several first cousins. A list of relatives is attached hereto. While in Baltimore, they decided that because of their love for the United States, its way of life, its form of government and its greedom, that they would like to remain in this country. Accordingly, in March 1951, Mr. Shpak organized the Shpak Auto Parts Co. in Baltimore, with an initial investment of $8,000. This company buys old and wrecked automobiles, salvages any usable parts and converts the remainder of the auto into scrap iron. It is well known that the United States is in desperate need of scrap iron, and the Shpak family is making a real contribution to the defense effort through its salvage and collection of scrap iron.

In recent months, Mr. Shpak has expanded his auto parts business by opening a body and fender repair shop, and he has also opened a used-car lot in Baltimore under the name of Union Auto Sales.

Mr. Shpak employs a total of six employees on a full-time basis, in addition to several part-time employees.

Sympcha Shpak is a partner of his father in the business described above. He holds a bachelor of arts degree from the University of California.

3. Is any member of the Shpak family engaged in any activity, political, or otherwise, that is injurious to the American public interest? Neither Mr. nor Mrs. Shpak, nor their son Sympcha Shpak is engaged in any activity that might be injurious to the American public interest. The immigration record shows that no member of the family is favorably disposed toward communism or doctrines of like nature, nor do they appear to have or to have had any connection with any subversive groups.

Sympcha Shpak is a graduate of one of the leading universities in America, and is registered under our Selective Service System. He is ready to serve in the Armed Forces of the United States, should he be called. In this connection, he served about 18 months in 1944–45 as a member of the British Army and in 1948–49 served 1 year as a member of the Israel Army.

Abraham Arie Shpak and his wife, Hava, although not speaking any English when they arrived in this country, have attended night school, and now speak very good English. They are still attending school.

4. Has any member of the Shpak family been convicted of an offense to any Federal or State law? Neither Mr. nor Mrs. Shpak nor their son, Sympcha Shpak, has been convicted of offense under any law, neither in the United States, Poland, nor Israel.

5. Other facts in this matter which may be of interest to you. Mr. Shpak and his son Sympcha Shpak, have established a successful business in Baltimore, and have gained for themselves a reputation as good, honest businessmen. Originally $8,000 was invested in this business. A financial statement submitted by Earl L. Weiler, a certified public accountant, Baltimore, as of January 31, 1953, indicates that the business now has a net worth of $29,000.

I am attaching copies of letters submitted from various Baltimore business people, attesting to the honesty and dependability of the Shpak family, which letters speak for themselves.

The growth of the Shpak Auto Parts Co., and the attached letters testifying to the honesty and integrity of the Shpak family are conclusive evidence that this family has adapted itself to the American way of life, and if permitted to remain here, will develop into useful citizens of the United States.

There is no need to speculate as to what type of people the Shpak family are. Their character is amply demonstrated by what they have accomplished in 3 short years.

In brief, the Shpak family has made good in America. It would appear to be practical to allow them to remain in the United States, rather than returning them to Israel and admitting as immigrants some other family who may or may not become good Americans.

Sincerely yours,

JOHN MARSHALL BUTLER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 332) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 586

KI YOUNG KWAN

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 501]

The Committee on the Judiciary, to which was referred the bill (S. 501) for the relief of Ki Young Kwan, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Ki Young Kwan. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native and citizen of Korea who last entered the United States on November 30, 1948, at Anchorage, Alaska, when she was admitted as a student destined for a course of study in the continental United States. In 1950 she married her half-brother in Chicago, Ill., which marriage is considered void under Illinois law. Three minor citizen children have been born as a result of the relationship of the beneficiary and the father of the children. The father of the citizen children is a legal resident who entered the United States in 1923 which was 1 year before the beneficiary was born. The husband sponsor and the beneficiary have a common father but he had never met her mother and had not seen the beneficiary until he returned to Korea as an interpreter for the United States Armed Forces during the Korean war. He met the beneficiary, his half-sister, who was then 22 years of age and was instrumental in sponsoring her entry into the United States for the purposes of study.

While the committee does not in any way condone the relationship which has existed between the beneficiary and her half-brother, it is felt that under all the circumstances the welfare of the three citizen children born as a result of that relationship justifies permitting the mother to remain with them.

A letter, with attached memorandum, dated March 31, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the case reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 31, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request, dated January 27, 1955, for a report on private bill S. 501, 84th Congress, for the relief of Ki Young Kwan, there is enclosed a memorandum of information concerning the beneficiary, prepared from the Immigration and Naturalization Service files.

Mrs. Kwan is an alien in the United States under deportation proceedings. If enacted, the bill would in effect direct the termination of those proceedings against the beneficiary and confer on her lawful permanent resident status in this country.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KI YOUNG KWAN, BENEFICIARY OF S. 501

Ki Young Kwan, or Kay Kwan, a citizen of Korea, was born in that country on December 24, 1924. On December 14, 1950, she was married to her half-brother in Chicago, Ill. He is a lawful resident of the United States. They are the parents of three children. The family resides at 1311 North La Salle Street, Chicago, Ill. Her "husband" is employed at a salary of $40 per week but they have a joint equity of about $20,000 in real estate valued at $60,000, from which they derive an income in excess of $1,000 per month.

The marriage of the beneficiary to her "husband" was void and illegal in the State of Illinois. Although they are aware that their relationship is incestuous, they have not taken steps to annul or otherwise terminate the marriage. Although they have claimed that their cohabitation ceased as of September 1954, an independent investigation indicated that it has continued at least sporadically since then. Prior to his marriage to the subject, her "husband," in connection with his employment by the Army in Korea, fraudulently claimed, for income-tax purposes, that a woman with whom he had been living and who was the mother of a child, were his dependents.

The beneficiary entered the United States on November 30, 1948, at Anchorage, Alaska, at which time she was admitted for a period of 1 year as a student. She failed to apply for an extension of her stay, and on June 21, 1950, a warrant for her arrest was issued charging that she remained in the United States after failing to maintain her student status. On June 4, 1954, the Board of Immigration Appeals sustained an order of a special inquiry officer granting her the privilege of voluntary departure but directed that she be deported if she failed to depart.

Senator Paul H. Douglas, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
March 30, 1955.

Re S. 501, Ki Young Kwan.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR KILGORE: In order that your committee may be fully informed when consideration is given to S. 501 for the relief of Ki Young Kwan, I am submitting the attached information in support of this measure.

The beneficiary of this bill is a Korean citizen who was lawfully admitted to the United States on a student visa in 1948 when she was 22 years old. An order of deportation has been entered against her because of her failure to maintain a student status.

Arrangements for the education of Ki Young Kwan in the United States were made for her by her half-brother, Peter Kwan, whom she had never seen because he left Korea the year before Ki Young Kwan was born.

Although the marriage entered into by Ki Young Kwan and Peter Kwan on September 13, 1949, is invalid according to Illinois law, there are now three United States citizen children born to this couple.

While I do not in any sense condone the actions of Ki Young Kwan and Peter Kwan, it is my feeling that consideration should be given to the welfare of the children. Ki Young Kwan is acknowledgedly a good mother and Peter Kwan is able to adequately provide for them so long as they remain in the United States. Although the marriage between the parents of these children is invalid, I hope your committee will agree that the circumstances surrounding it are not such as generally offend the moral sense of the community, in that there was no family relationship between this couple and they did not know one another until they were both adults.

I sincerely hope your committee will see fit to favorably report S. 501 in the very near future.

With kind regards,

PAUL H. DOUGLAS.

SCHWARTZ, SHRIMAN & HEINEMAN,
Chicago, Ill., March 14, 1955.

Re Ki Young Kwan, S–501.

Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D. C.

DEAR SENATOR DOUGLAS: Following is a brief summary of the facts relating to Ki Young Kwan:

Ki Young Kwan entered the United States on November 30, 1948, as a student. She is no longer in student status. On September 13, 1949, she was married to Peter Kwan. They have 3 infant children, the oldest of which is 5 years and the youngest 1 year.

Peter Kwan and Ki Young Kwan are the son and daughter respectively of a common father with different mothers. Peter Kwan left Korea before Ki Young Kwan was born and did not see her until 1946, at which time she was 22 years of age. Peter Kwan had returned at that time to Korea as an interpreter acting for American forces. Ki Young Kwan at the time was a refugee from North Korea where her permanent home was located.

Peter Kwan returned to the United States and later helped Ki Young Kwan obtain a student visa. Some time after Ki Young Kwan's arrival, Ki Young Kwan entered a university in the United States and some time thereafter was married to Peter Kwan. The marriage is invalid under Illinois law.

As a result of the formal invalidity of the marriage, Ki Young Kwan is not entitled to any preference status under the Immigration and Nationality Act. The Korean quota is hopelessly oversubscribed and she could not expect to return to the United States for an indefinite number of years if she departs.

Deportation proceedings were instituted against Ki Young Kwan. She was found ineligible for suspension of deportation because no application was filed prior to June 27, 1952, the date on which the Immigration and Nationality Act was passed. An appeal was taken to the Board of Immigration Appeals; the latter sustained the action of the district office. A copy of the opinion of the Board of

Immigration Appeals is enclosed as exhibit A. I believe that I have exhausted all administrative remedies. I have reluctantly come to the conclusion that the Board of Immigration Appeals is correct and that an appeal to the courts by way of habeas corpus probably would avail me nothing.

A complaint to annul the invalid marriage was filed in the circuit court of Cook County as No. 54C–14263 during the fall of 1954. No decree has as yet been obtained in this proceeding but it is anticipated that one will be obtained shortly. At the present time Ki Young Kwan is living with the children at 1311 North La Salle Street, Chicago, Ill. Peter Kwan is living in a furnished room nearby and visits the children frequently.

Peter Kwan and Ki Young Kwan have a small equity in two buildings located respectively at 1955 West Jackson Boulevard, and 1311 North La Salle Street, the building in which Ki Young Kwan and the children live. The family is supported in part from casual labor performed by Peter Kwan (at present as a dishwasher) and in part from the income from the two buildings. The buildings furnish an income only by virtue of the fact that Peter Kwan serves as janitor, repairman, and decorator for the building at 1311 North La Salle Street. In this way he is able in effect to earn for the family free rent and a very modest amount for other expenses.

If Ki Young Kwan were forced to leave, she would be obliged to take the United States citizen children with her since Peter Kwan could not care for them in the United States. Peter Kwan's cash income is not such as would make it possible for him to support the family were it compelled to go abroad. This will be particularly true in the future since he is a man of advancing years. Both parents feel, and with good reason, that a removal of the children to South Korea under present circumstances would involve the most extreme danger to their health and life. The reasons for this belief are more fully set forth in affidavits which were filed in the deportation proceedings and which are enclosed herewith as exhibits B and C.

Ki Young Kwan is a person of good moral character. Police certificates showing no arrest in Korea were filed at the time of the entry into the United States. Police certificates introduced at the deportation hearing show that there has been no conviction in this country. State authorities, although informed by the Immigration Service of the invalidity of the marriage, have not taken any action.

In support of the character of Ki Young Kwan and her usefulness to the American society, I prefer to let the attached letters speak for themselves. I enclose herewith the following:

1. Letter from Mrs. Tyyne A. Roeseler, of the Chicago Child Care Society, exhibit D.
2. Letter from Kenji Nakane, director of the Chicago Resettlers Committee, exhibit E.
3. Letter from Eisuke George Kakita, exhibit F.
4. Letter from Greta Adams, exhibit G.
5. Letter from Josephine Tucker, exhibit H.
6. Letter from Frank E. Iwasaki, exhibit I.
7. Letter from H. Y. Youn, Provincial Governor, Korea, exhibit J.

I enclose also as exhibit K a copy of that portion of my brief to the Board of Immigration Appeals which deals with moral character. I believe that this excerpt demonstrates that, while the marriage between the parties is formally invalid, the facts and circumstances surrounding it are not such as generally offend the moral sense of the community. The main reason, however, for asking that a private bill be introduced is in the interest of the children who will inevitably be the worst sufferers from any deportation.

I enclose a copy of this letter with all exhibits so that you may if you wish submit the original to the Judiciary Committee.

Sincerely,

HENRY HEINEMAN.

EXHIBIT B. AFFIDAVIT OF PETER KWAN

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Chicago, Ill.

In re Ki Young Kwan, A–7,078,175.

STATE OF ILLINOIS,
County of Cook, ss:

I, Peter Kwan, being first duly sworn on oath, state the following:

1. I was born in the year 1904 and lived in the household of my father until 1920 when I was placed in the Shanghai Missionary College. I stayed at Shangahi

until 1923 when I emigrated to the United States. At that time I was 19 years of age. I did not return to Korea until 1946.

2. Ki Young Kwan was born in 1924, a year after my departure from Shanghai. I saw her for the first time in 1946, at which time she was 22 years of age. During the period from the birth of Ki Young Kwan to the time of our first meeting there was no exchange of correspondence except possibly one letter in 1938 and some correspondence immediately prior to the meeting relating largely to the arrangements for the meeting.

3. I have never met Ki Young Kwan's mother nor have I seen my father or mother since the date of my departure from Shanghai to the United States in 1923.

4. I have for many months sought work other than factory work, but I am unable to find any such work. During the last few weeks my take-home pay has been $44 a week. While I do own an equity in a building, this building has not proved to be a good investment, as indicated by the attached copy of income-tax return for 1952 which shows a total net income of $2,268.60.

5. It is utterly impossible for me to support two households with my present income and with any foreseeable income for which I can hope. If Ki Young Kwan were to depart voluntarily, or be deported, without the children, I would find it difficult or impossible to make arrangements for the proper care of the children since my income is inadequate of house, feed, and clothe them and myself and in addition pay a housekeeper for the care of the children.

If, on the other hand, the children were to accompany Ki Young Kwan to Korea I would have inadequate funds both to support myself and to send sufficient amounts to Ki Young Kwan for her support and the support of the children. Inevitably the children would suffer greatly from any division of the household and especially from any deportation or voluntary departure on the part of Ki Young Kwan.

6. Recent medical examinations disclose that the health of Ki Young Kwan and the health of the children is excellent. In large part this is undoubtedly due to the fact that they have been brought up on a diet which includes milk, orange juice, fresh vegetables, and other items normally used in America. I am familiar with civilian life in Korea. The main diet is rice, salt pickles and, in some areas, fish. Milk is unavailable. The same is true of virtually all fresh vegetables and fruits. All water is, by American standards, polluted since it is drawn from fields fertilized by human excrement. American personnel in Korea are forbidden to eat native food or drink water unless especially treated.

7. The children would be more adversely affected by conditions of this sort than children brought up from the beginning in Korea inasmuch as the latter would have built up certain immunities toward the bacteria found in pollutions. I am ready to submit medical evidence as to the danger to the lives of my children, were they forced to go to Korea.

8. Housing in Korea for civilians has always been bad by American standards. At the present time with the enormous destruction wrought by the war it would probably be impossible for any newly arrived family to find any housing. Neither Ki Young Kwan nor myself have any friends or acquaintances in South Korea who could help the situation. A return to North Korea is, of course, unthinkable.

9. Ki Young Kwan has repeatedly stated that she firmly insists on taking the children with her if she leaves the United States. While I would be reluctant to see this happen, I would be equally reluctant to see the children deprived of a mother's affection and care.

10. Ki Young Kwan, during the entire period I have known her, has been a person of good moral character. She has been a diligent, capable and affectionate mother, and in every respect fulfilled the demand and responsibilities of motherhood. If a new hearing were granted I could readily obtain witnesses in addition to myself who would testify to the good moral character of Ki Young Kwan.

———— ————.

Subscribed and sworn to before me, a notary public, this — day of September 1953.

———— ————.

EXHIBIT C. AFFIDAVIT OF KI YOUNG KWAN

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Chicago, Ill.

In re Ki Young Kwan, A–7, 078, 175.

I, Ki Young Kwan, being first duly sworn on oath, depose and state the following:

1. I am the respondent in the above case.

2. I have read the affidavit of Peter Kwan, know the contents thereof, am acquainted with all facts stated therein relating to me, my children, and the economic and health conditions in Korea. These facts are true.

3. I am the mother of two children who have been brought up continuously in my care. I am now pregnant and expect to give birth to a child some time during the latter part of September or the early part of October. In my present condition I am unable to travel and will be unable to travel for some months following the anticipated birth. If desired, medical evidence of these facts can be furnished.

4. Both of my children have been brought up by me. I am greatly attached to them and they are greatly attached to and dependent upon me. It is my firm resolution to stay with my children, come what may. Under any and all circumstances, irrespective of what the decision may be, I propose to be a mother to my children. If it is necessary for me to return to Korea, I shall hope to make the best of it for myself and for my children. I am firmly convinced that, taking all circumstances into consideration, the best solution both for myself and for the children is to stay together.

5. While I am willing and anxious to work in order to support my children either here or in Korea, it is obvious that with the children at the present age and with the expectation of having an infant shortly, it would be impossible for me for many years to contribute to my children's support. I have no relatives and no property in South Korea and no friends who can be expected to aid me in any way. At the time I left North Korea I did have property there. It is extremely doubtful whether this ownership is recognized by the present regime and whether I could realize anything from this property. In any event, after having been in America for a number of years, I could not with safety return to North Korea. Certainly it is unthinkable for my American citizen children.

6. I am informed and believe, and on such information state the facts to be, that it is impossible for me to gain entrance into any country other than Korea. I am informed and believe, and on such information state the facts to be that some of the impediments to gaining admission into foreign countries are the following:

(*a*) The fact that I have been under deportation proceedings in the United States.

(*b*) My racial origin.

(*c*) The fact that I might not be able to furnish satisfactory evidence that I would not become a public charge.

(*d*) The fact that I could not for a great number of years become an economic asset to any country.

(*e*) The fact that many of the documents required by foreign countries are unavailable to me.

7. In the course of interrogations conducted by officers of the Immigration and Naturalization Service both prior to and after June 22, 1950 statements were made to the effect that opportunities for suspension of deportation existed.

I, of course, indicated that I would take advantage of all such opportunities. I was not informed, between July 1952 and December 1952, of any changes in any laws relating to suspension of deportation. At no time prior to December 24, 1952 was I represented by counsel.

_____.

Subscribed and sworn to before me, a notary public, this — day of September 1953.

_____.

EXHIBIT D

CHICAGO CHILD CARE SOCIETY,
Chicago, Ill., March 8, 1955.

Senator PAUL H. DOUGLAS,
United States Senate, Washington, D. C.

DEAR SENATOR DOUGLAS: This letter is written in behalf of Ki Young Kwan, a Korean immigrant I have known personally since November 1949.

I am an American citizen by birth and a legal resident of the State of Illinois. I am married, a mother of three children, and social worker by profession. We own a home in Hyde Park in the city of Chicago.

My first contact with Mrs. Kwan was occasioned by my employment with the Chicago Child Care Society, 5494 Kenwood Avenue, Chicago, Ill. At that time Mrs. Kwan wished to complete her training as a laboratory technician and sought temporary help in planning care for her child.

Since this time, I have maintained a personal relationship with Mrs. Kwan during which time she has proven herself to be a very substantial person. She is capable of sustained relationships and able to handle the pressures of daily living in a new society very well. Her attitudes are good and her ability to withstand the insecurity and strain of the unsettled citizenship status has been remarkable under trying circumstances.

Mrs. Kwan is a good mother. She is tireless in her devotion to her three children, sensitive and cognizant of their needs. They are not in any way dependent upon outsiders for mothering or other necessities.

Mrs. Ki Young Kwan is loyal and devoted to her husband, Peter Kwan. She manages the household adequately on limited resources and helps him maintain a property which yields some income for the family. Mrs. Ki Young Kwan is a housewife and mother never known to leave this responsibility to others. She is not addicted to alcohol, drugs, or any sort of antisocial behavior.

Mr. Ki Young Kwan's desire to be a good American citizen has impressed me. She was determined from the first to speak English and to teach her children to speak it from infancy. The Kwans therefore speak little Chinese in their home. Mr. Ki Young Kwan is ambitious for her family and appreciative of good education, art, and music. She is a refined sort of person, never rough or disorderly in her conduct. Mrs. Ki Young Kwan, makes a good impression, has poise and considerable social presence despite her language handicap. Her desire is to raise her children to good citizenship and useful maturity by giving them satisfying childhood experiences. This she hopes to accomplish through warmth and loving care in a secure family home.

It seems to me that Mrs. Kwan is the kind of person our society can assimilate; healthy, intelligent, enterprising, and of good moral character. Should she be deported her three children would be dependent upon placement outside of the home. I know from personal experience that suitable homes for oriental children are most difficult to find and their chances for a normal healthy bringing up away from their own parents are very poor. A mother of Mrs. Ki Young Kwan's caliber is indeed a valuable asset to our society, as well as indispensable to the proper rearing of her family. I believe that my evaluation of Mrs. Ki Young Kwan is conservative and correct, and that such a personality as revealed to me ought not to be removed from her children for the sake of their welfare and protection as well as the welfare of this community. Whatever can be done to keep her with her family where she rightly belongs will be much appreciated and should prove rewarding.

Most sincerely,

TYYNE A. ROESELER,
Mrs. Tyyne A. Roeseler.

EXHIBIT E

THE CHICAGO RESETTLERS COMMITTEE,
Chicago, Ill., June 24, 1954.

Hon. PAUL H. DOUGLAS,
United States Senate,
Old Post Office Building, Chicago, Ill.

DEAR SENATOR DOUGLAS: This is to introduce Mrs. Ki Young Kwan, resident of 1955 West Jackson Boulevard, Chicago, Ill.

Mrs. Kwan has been a resident of Chicago since November 1948 and has been in our office quite frequently relating her problems. We know her to be a very honest and dependable person.

It is desired that she establish permanent residence here in the United States. Anything that you can do to help her will be greatly appreciated.

Thank you.

Sincerely yours,

KENJI NAKANE, *Executive Director.*

EXHIBIT F

FEBRUARY 17, 1955.

To Whom It May Concern:

I have primarily dealed with Mrs. Ki Young Kwan through our business transactions. Since she and her husband purchased the property of 1955 West Jackson Boulevard from me in 1951, they have become friendly neighbors to me. Through our associations I have found her to be a very hard-working, conscientious individual who has been honest and dependable.

As a mother of three American-born children, she is indeed striving to bring them up in accordance to the mores of her adopted country, the United States of America. I feel she possesses the qualities that make up a fine United States citizen. I'm sure she is especially aware of the tremendous opportunities that this country offers to her and her family, as evidenced by her successful business ventures and, therefore, particularly appreciates and has adapted herself to this country very well.

I have been a naturalized citizen of the United States of America since April 20, 1954. Previous to the date of my naturalization (No. 7334643), I have resided in this country for over 35 years. And I would certainly recommend Mrs. Ki Young Kwan for citizenship of this country.

Yours sincerely,

EISUKE GEORGE KAKITA.

EXHIBIT I

To Whom It May Concern:

I, the undersigned has been naturalized as a citizen of the United States of America, on December 14, 1954.

I have known Ki Young Kwan and her family last about 3 years in Chicago, Ill., and had some business transaction with them in many times.

In my opinion as to her moral character of Ki Young Kwan or the family as a whole are very good as to the desirability of keeping the children and the mother together in the United States.

Dated March 7, 1955.

FRANK E. IWASAKI,
Chicago, Ill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 501) should be enacted.

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Calendar No. 592

84TH CONGRESS, 1st Session | SENATE | REPORT No. 587

EDMUND LOWE AND RICHARD LOWE

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 578]

The Committee on the Judiciary, to which was referred the bill (S. 578) for the relief of Edmund Lowe and Richard Lowe, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to deem Edmund and Richard Lowe to be the minor children of their United States citizen mother.

STATEMENT OF FACTS

The beneficiaries of the bill are 27- and 24-year-old brothers who are natives and citizens of China. They were born in China at a time when their mother had relinquished her United States citizenship by marrying their father, a native Chinese. In 1936 the mother regained her United States citizenship and is now married to a native-born citizen of the United States. The beneficiaries are high-school graduates and are living in Hong Kong with their uncle and aunt.

A letter, with attached memorandum, dated August 25, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3333 which was a bill pending in the 83d Congress for the relief of the same beneficiaries reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 25, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3333) for the relief of Edmund Lowe and Richard Lowe, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiareis by the Charleston, S. C. office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the aliens pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the aliens shall be considered to be the minor children of their mother, Mrs. Sam Lee Jus, a citizen of the United States.

As minor children of a United States citizen, the aliens would be entitled to nonquota status in the issuance of immigrant visas.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EDMUND AND RICHARD LOWE, BENEFICIARIES OF S. 3333

The beneficiaries, Edmund Lowe, also known as Lowe Ka Hung, and Richard Lowe, also known as Lowe Ka Tai, are adult persons, natives and citizens of China, born January 3, 1928, and May 9, 1931, respectively, in Canton, China. Neither of the beneficiaries has ever been in the United States and are presently residing with their aunt and uncle, Rev. and Mrs. Cheung Shui Kwai, whose address is the Bishop's House, Hong Kong, China.

The beneficiaries are both graduates of high school in Hong Kong and are presently engaged in some employment or activity in the city of Hong Kong. Edmund Lowe is presently engaged as a cab dispatcher and Richard Lowe is engaged as an apprentice or trainee with the Seventh Day Adventist Church and desires to study for the ministry.

According to information furnished by Mrs. Sam Lee Jue, the mother of the beneficiaries, neither of the beneficiaries has ever been arrested or charged with any crime or violation of law or has ever been a member of any social or political organization.

Mrs. Sam Lee Jue was born a citizen of the United States on October 24, 1901, in Los Angeles, Calif. and subsequently lost her United States citizenship through marriage to her former husband. It was during such time that the beneficiaries were born in Canton, China. Subsequently, Mrs. Jue regained her United States citizenship in the United States district court in Los Angeles, Calif., on September 25, 1936.

Mr. Sam Lee Jue, stepfather of the beneficiaries, is a native United States citizen born April 5, 1896, in San Francisco, Calif. He is a well-known businessman in Augusta, Ga., having resided there for over 30 years. He owns property, buildings, and other resources valued in excess of $75,000.

Senator Olin D. Johnston, the author of the bill, submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
April 27, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Subcommittee on Immigration and Naturalization,
Committee on the Judiciary, United States Senate,
Washington, D. C.

DEAR SENATOR KILGORE: I am writing this letter in support of S. 578, which was introduced on January 21, 1955, for the relief of Edmund and Richard Lowe, having for the purposes of the Immigration and Naturalization Act, that each of these two boys should be held and considered the minor children of their mother, Mrs. Sam Lee Lowe Jue, who is a citizen of the United States now residing at 214 East Vineland Road, Augusta, Ga. As the minor children of Mrs. Jue, a United

States citizen, the boys would be entitled to nonquota status in the issuance of immigrant visas.

The bill, S. 578, is now pending, with the report of the Immigration and Naturalization Service, in the Subcommittee on Immigration and I should like for it to be considered at the next scheduled meeting. An identical bill, S. 3333, was not reported during the last session of Congress, and I am most anxious to avoid further delay.

It has been 9 years, as a consequence of the war and the administrative difficulties involved in obtaining either a visitor's permit or an immigration visa, since the mother has seen her two sons. In the United States they would live in the home with their mother and stepfather, whom I know, and they would be provided with a good Christian atmosphere and the maximum of economic security. Mr. Jue, a native of the United States, is a well-known businessman in Augusta, Ga., and has resided there for 30 years. He owns property, buildings, and other resources valued in excess of $75,000, and he would provide suitable employment for both Edmund and Richard Lowe.

I shall greatly appreciate any action which may be taken to expedite the approval of this bill.

With warm personal regards, I am,

Sincerely yours,

OLIN D. JOHNSTON.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 578) should be enacted.

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Calendar No. 593

84TH CONGRESS, 1st Session | SENATE | REPORT No. 588

DOMINIC GAETANO MORIN

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 871]

The Committee on the Judiciary, to which was referred the bill (S. 871) for the relief of Dominic Gaetano Morin, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dominic Gaetano Morin. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old citizen of Yugoslavia and native of zone B of the former Free Territory of Trieste. He is the brother of Father Nicola Morin and in 1947 they both fled to Italy where the beneficiary remained while his brother went to the United States and is now living in Spokane, Wash. The beneficiary last entered the United States at New York, N. Y., February 25, 1954, as a seaman and arrived in Seattle, Wash., March 8, 1954, where he secured employment with the Eardley Fisheries Co. and is still in their employ. He is unmarried and his parents reside in Yugoslavia.

A letter, with attached memorandum, dated September 7, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3761 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

SEPTEMBER 7, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request to the Department of Justice for a report relative to the bill (S. 3761) for the relief of Dominic Gaetano Morin, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Yugoslavia.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DOMINIC GAETANO MORIN, BENEFICIARY OF S. 3761

The beneficiary, Dominic Gaetano Morin, is a citizen of Yugoslavia, born August 7, 1934, at Sansego, Istra, Yugoslavia, the son of Dominic Morin and Caterina Tarabochia. His last residence abroad was in Genova, Italy. He last entered the United States at New York, N. Y., February 25, 1954, as a member of the crew of the Italian-flag vessel steamship *Homeland*. At such time he was granted shore leave for the period the ship remained in port. Since the departure of his vessel, February 27, 1954, he has been unlawfully in this country. The beneficiary has been in the United States previously 7 or 8 times as a member of the crew of the steamship *Homeland*. Following his last entry, deportation proceedings were instituted, and he was found deportable from the United States on the ground that after admission as a seaman he failed to maintain the nonimmigrant status to which he was admitted. There is an outstanding warrant of deportation directing his expulsion from the United States.

The beneficiary's parents are living in Sansego, Istra, Yugoslavia. He has one older brother, a Catholic priest, Nicola Morin, living in Spokane, Wash. The beneficiary is unmarried and has no one dependent upon him for support either in the United States or abroad. In 1947, in the company of two sisters, he left Yugoslavia secretly and entered Italy as a refugee. He stated his reason for leaving Yugoslavia was economic. He explained the secrecy of his departure from Yugoslavia by stating the communistic regime there frowned upon anyone leaving that country. The beneficiary's education consists of 9 years' schooling; 8 years' grade and 1 year high school. The last 5 years of his schooling were in Italy.

The beneficiary arrived in Seattle, Wash., March 8, 1954, and secured employment with the Eardley Fisheries Co., a local concern, at a salary of approximately $80 per week. He has been employed with such concern since that date. He has $350 in a bank account and no other assets. He is a laborer by occupation. He testified he has never been a member of any organization either in the United States, Yugoslavia, or Italy.

Senator Henry M. Jackson, the author of the bill, submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
May 24, 1955.

Hon. HARLEY KILGORE,
Chairman, Immigration Subcommittee, Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: I am writing this as supplementary information to my letter of March 25, 1955, on private immigration legislation on behalf of Dominic Gaetano Morin, S. 871, when I referred you to S. 3761 of the last Congress

He is the brother of Father Nicola Morin, of Spokane, Wash., and a native of zone B of the former Free Territory of Trieste.

He and Father Morin fled zone B in December 1947. Subsequently Father Morin made his way to this country while Nicola remained in Italy.

Nicola later obtained work on a steamship line of Panamanian registry, the Home Lines Co. He learned that upon returning to Italy, he would probably

be forcibly repatriated to zone B which is now a part of Yugoslavia. Rather than go back to uncertainty, he availed himself the opportunity of jumping ship while it was in New York Harbor in February 1954.

Inasmuch as all administrative remedies are closed, I believe that private legislation is the only resource left.

I would appreciate every favorable consideration on behalf of Mr. Morin.

Should further information be desired, please do not hesitate to let me know.

Sincerely yours,

HENRY M. JACKSON,
United States Senator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 871) should be enacted.

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Calendar No. 596

84TH CONGRESS, 1st Session | SENATE | REPORT No. 591

PAUL Y. LOONG

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 880]

The Committee on the Judiciary, to which was referred the bill (H. R. 880) for the relief of Paul Y. Loong, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Paul Y. Loong. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native of the Malay States and subject of Great Britain, who last entered the Unites States on April 19, 1951, as a seaman. He first entered the United States on February 27, 1947, as a student. He departed from the United States on February 15, 1948, as a seaman and subsequently made numerous entries as a seaman. On January 6, 1950, he was detained at Port Arthur, Tex., as a malafide seaman. He accompanied the ship to New York and was detained at Ellis Island at the request of the shipping company and departed with the ship on February 6, 1950. This constituted a deportation since the departure was under the original detention order. The beneficiary was inducted into the United States Army on June 26, 1951, and served as a tank gunner with the rank of sergeant in Korea from June 25, 1952, to June 1953, when he returned to the United States and received an honorable discharge. He is presently a member of the Enlisted Reserve Corps. He is not eligible for naturalization inasmuch as he lacked 12 days'

residence to meet the requirement of 1 year's residence before induction into the Armed Forces. The beneficiary hopes to enter college if permitted to remain in the United States.

A letter, with attached memorandum, dated May 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 6591, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

MAY 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6591) for the relief of Paul Y. Loong, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The latest available information indicates that the quota of the Asia Pacific Triangle, to which this beneficiary is chargeable, is not oversubscribed. Accordingly, it appears that he may be able to obtain a quota immigrant visa.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PAUL Y. LOONG, BENEFICIARY OF H. R. 6591

Paul Y. Loong was born on September 11, 1923, and is a native of the Federated Malay States and subject of Great Britain. He first entered the United States on February 27, 1947, as a student for a period of 1 year to attend the Coyne Electrical School, Chicago, Ill. He departed from the United States on February 15, 1948, as a seaman and subsequently made numerous entries as a seaman. On January 6, 1950, he was detained on board the steamship *Stanvac Singapore* at Port Arthur, Tex., as a malafide seaman. He accompanied the ship from Port Arthur to New York, and after arrival at New York he was detained at Ellis Island at the request of the shipping company while the ship was in drydock for about 10 days, and departed with the ship on February 6, 1950. Since this departure was under the original detention order, it constitutes a deportation. The subject was subsequently admitted as a seaman at New Orleans, La., on April 19, 1951, which is his last entry into the United States.

The beneficiary is a graduate of the Christian Brothers High School, St. Paul's Institute, Serembam, Malaya, and Coyne Electrical School, Chicago, Ill. He also attended the Columbian Evening School in New York City and hopes to enter college if permitted to remain in the United States. Subsequent to the subject's graduation from high school in 1940, he joined the British Air Force in 1941 and after serving in combat, was captured by the Japanese and was a prisoner until August 1945.

The beneficiary is single and he was inducted into the United States Army on June 26, 1951. He served as a tank gunner with the rank of sergeant in Korea from June 25, 1952, to June 1953, returning to the United States on June 17, 1953, receiving an honorable discharge on June 20, 1953. He is presently a member of the Enlisted Reserve Corps of the United States Army.

The beneficiary has no relatives living in the United States. His father, 2 brothers and 3 sisters are all living in Malaya. He lists his present assets as $4,600 in a bank account and approximately $200 in personal property and no outstanding debts. He is presently unemployed, having resigned his last position in order to devote more time to his studies. However, he is presently seeking employment which will allow him more time for this.

Congressman James C. Auchincloss, the author of the bill, submitted the following letters of recommendation to the Committee on the Judiciary of the House of Representatives in support of the bill:

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington, D. C., June 30, 1953.

Hon. JAMES C. AUCHINCLOSS,
House of Representatives, Washington, D. C.

MY DEAR MR. AUCHINCLOSS: We take much pleasure in writing to you concerning former Sergeant Paul Y. Loong who this morning called upon you to ask if you would be good enough to introduce a private bill to grant him permanent residence inasmuch as he is technically ineligible to benefit under H. R. 4233 which passed both Houses of Congress and was signed by the President this morning.

Mr. Loong is a graduate of the Brothers of the Christian Schools in Malaya and entered this country on February 27, 1947, with a student visa. He was admitted with the understanding that he could work part time in order to help defray his living expenses but he found it difficult to make both ends meet and consequently decided that he had better terminate his studies. He managed to obtain employment aboard a Panamanian oil tanker, the motorship *Esso Bolivar*, which was owned and operated by the Standard Oil Co. of New Jersey. From May 1948 to April 1951 he was a member of the crew of an American-flag tanker and was finally paid off at the port of New Orleans, La., after he had been cleared by an immigration inspector. He immediately registered for the draft and was called on June 26, 1951, being processed at Fort Kilmer and subsequently stationed at Fort Knox. On June 25, 1952, he sailed from Seattle to Korea, serving 10 months n the tank corps and arrived back from Korea aboard an Army transport on June 17, 1953.

Mr. Loong naturally has been hopeful that he would benefit under H. R. 4233. As far as service in the Armed Forces, he would only have needed 90 days of such service, but instead had 10 months in Korea which, unfortunately, does him no good as he does not have the 1 year of physical residence in the United States prior to induction. His residence here as a student was just 12 days short of that time.

We think Mr. Loong is an exceptionally fine young man. He has a good Christian education and we have been impressed with his fine ethical sense. We would like to have it made possible for him to remain here and become an American citizen as we believe he will prove to be a credit to this country.

Very respectfully yours,

[SEAL] BRUCE M. MOHLER,
Director, Department of Immigration.

Subscribed and sworn to before me this 3d day of July 1953, at Washington, D. C.

MARY RITA MARKHAM, *Notary Public.*

My commission expires December 31, 1957.

MANHATTAN COLLEGE,
New York, N. Y., July 2, 1953.

To Whom It May Concern:

This is to certify that I have known Mr. Paul Yokwah Loong for about 6 years. Originally he came to Manhattan College with a letter from the director of our school in Singapore. The president of Manhattan College, Brother Bonaventure Thomas, requested me to help this worthy young man.

I have found him honest, loyal, honorable, industrious. He is a young man who, on account of his high moral worth and his readiness to fight for our country, deserves every consideration from the United States.

It is a pleasure to recommend him.

Very sincerely yours,

Brother ADRIAN LEWIS, Ph. D.

STATE OF NEW YORK,
County of Bronx:

Sworn to before me on this the 2d day of July 1953.

[SEAL] JOHN A. COSSA, *Notary Public.*

My commission expires March 30, 1955.

CRETIN HIGH SCHOOL,
St. Paul, Minn., July 3, 1953.

Hon. JAMES C. AUCHINCLOSS,
House of Representatives, Washington, D. C.

DEAR SIR: It was my good fortunue to make the acquaintance of Paul Y. Loong some 5 years ago. Paul is a graduate of one of the Christian Brothers' schools in the Far East and came to the De La Salle High School in Chicago with high recommendation from the principal of the school from which he was graduated in Malaya.

My associations with him have been borne out the fine qualities which he was said to possess. Certainly his relationship with men of my acquaintance as well as his fine record with the merchant marine and the Armed Forces of the United States testify also to the high type of person he is.

Be assured that anything you can do or any other Member of Congress can do to hasten his being accepted to be a United States citizen will be most sincerely appreciated.

Respectfully yours,

Brother J. MATTHEW, F. S. C.,
Principal.

Subscribed and signed before me this 3d day of July 1953.

[SEAL] LEOPOLD M. ZELTNER, *Notary Public.*

My commission expires November 14, 1955.

SOCONY VACUUM TANKER MEN'S ASSOCIATION,
New York 7, N. Y., July 2, 1953.

To Whom It May Concern:

This is to state that I have known Mr. Paul Yokwah Loong approximately 6 years.

Recommended to me originally by Mr. Lyons of the Esso Shipping Co. as a person of fine character and a qualified seaman, I sought to assist him in shipping on a Socony-Vacuum Oil Co. tanker.

In this I was successful, and many times afterward the company went out of its way to tell me what a fine person Mr. Loong was; how competent and how trustworthy.

In these years, I have had many occasions to know more about Mr. Loong and have always found him to be a person of exceedingly high caliber and one who I would like to see become an American; as he represents, in my opinion, those qualities of integrity and loyalty that made this country the worthwhile place it is.

At any time, either now or in the future, you may feel free to question me about Mr. Paul Loong, because as one who has dealt with thousands of men in the shipping industry, in the Navy, and as a teacher in a university, I do not know any person who is better qualified to fulfill the ideals of this country.

Very sincerely yours,

JOHN J. COLLINS, *Adviser.*

STATE OF NEW YORK,
County of New York:

Subscribed to before me this 2d day of July 1953.

[SEAL] FRANCIS J. LYNCH,
Notary Public, State of New York.

Term expires March 30, 1954.

NEW YORK 4, N. Y., *July 2, 1953.*

Hon. JAMES C. AUCHINCLOSS,
House of Representatives, Washington, D. C.

DEAR SIR: I have been informed by Mr. Paul Yokwak Loong that you are endeavoring to introduce a special bill into Congress in order that he may obtain permanent residence in the United States and eventually naturalization.

I have known Paul since January 1948 when he entered the employ of the Socony-Vacuum Oil Co., Inc., as a seaman and sincerely believe him to be a man of high moral character.

If given the opportunity, I believe that he will be a fine citizen and a credit to his community.

Yours very truly,

GEO. M. HARRISON.

Sworn to before me this 2d day of July 1953.

[SEAL]

RICHARD V. ROLAND,
Notary Public, State of New York.

Term expires March 30, 1955.

ESSO SHIPPING CO.,
New York, N. Y., July 1, 1953.

Hon. JAMES C. AUCHINCLOSS,
House of Representatives, Washington, D. C.

DEAR SIR: I understand from my friend, Paul Yokwak Loong, that you will undertake to introduce a bill into Congress for the purpose of obtaining permanent residence and eventual citizenship on his behalf.

I can honestly state that I have known Paul Yokwak Loong since early 1948, and during that time I have found him to be a person of high moral character. It is my firm belief that he will make a fine upstanding citizen if a bill were passed in his favor.

Sincerely yours,

[SEAL]

THOMAS M. KEAN.

Subscribed and sworn to before me this 1st day of July 1953.

WILLIAM C. KEMPF,
Notary Public, State of New York.

Commission expires March 30, 1954.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 880) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 592

MRS. MARION JOSEPHINE MONNELL

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 935]

The Committee on the Judiciary, to which was referred the bill (H. R. 935) for the relief of Mrs. Marion Josephine Monnell, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Marion Josephine Monnell. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill inasmuch as the beneficiary is a nonquota immigrant.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Canada, who last entered the United States during July 1949 to resume her residence after a visit to Canada. She first entered the United States on January 16, 1946, when she was admitted as a visitor. The beneficiary has been found subject to deportation in that at the time of her last entry she was excludable as a person who was convicted of a crime involving moral turpitude prior to entry and as one who has not been admitted for permanent residence. The record discloses that the beneficiary was convicted on December 28, 1943, and January 10, 1944, of obtaining goods by false pretenses with intent to defraud and was given a year's suspended sentence for each offense. On January 19, 1946, the beneficiary married a citizen of the United States, who had served honorably in the United States Navy, and they have one citizen child, born in 1948.

A letter, with attached memorandum, dated September 27, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7344, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

SEPTEMBER 27, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7344) for the relief of Mrs. Marion Josephine Monnell, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of these files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. As she is married to a United States citizen, she is entitled to nonquota immigrant status.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MARION JOSEPHINE MONNELL, BENEFICIARY OF H. R. 7344

Mrs. Marion Josephine Monnell, a native and citizen of Canada, was born on March 9, 1926. She last entered the United States at Thousand Island Bridge, N. Y., during July 1949 to resume her residence after a 5-day visit to Canada. She first entered the United States at Buffalo, N. Y., on January 16, 1946, when she was admitted as a visitor and has resided in the United States since that date although never admitted for permanent residence.

On November 18, 1953, the beneficiary was found subject to deportation in that at the time of her last entry she was excludable as a person who was convicted of a crime involving moral turpitude prior to entry (two offenses), and as never having presented an immigrant visa for permanent residence. Service records reflect the beneficiary was convicted on January 18, 1944, in Toronto, Ontario, Canada, upon a plea of guilty, for two offenses committed on December 28, 1943, and January 10, 1944, of obtaining goods by false pretenses with intent to defraud and given a year's suspended sentence for each offense.

The beneficiary served honorably in the Canadian Women's Army Corps from May 22, 1944, to January 15, 1946. On January 19, 1946, she married Harry Monnell, Jr., sponsor of the bill, a native-born citizen of the United States, at East Greenwich, R. I., and a child was born of this marriage on October 23, 1948, at Elmira, N. Y. This is the only marriage for either one. Mr. Monnell also served honorably in the United States Navy from May 4, 1944, to June 4, 1946. The family resides at 411½ Balsam Street, Elmira, N. Y., where the husband is employed as a toolmaker for Bendix Aviation Corp., at a salary of about $75 per week. Their assets consist of $2,500 household furniture, $1,000 personal effects, $1,500 photographic equipment, 1950 Ford automobile valued at $1,400, and a $2,000 life-insurance policy on the husband.

Congressman Sterling Cole, the author of the bill wrote to the chairman of the Committee on the Judiciary of the House of Representatives on January 12, 1955, with reference to the case as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 12, 1955.

Re H. R. 935 for the relief of Mrs. Marion Monnell.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: The subject private bill, which I introduced on January 5, 1955, is the same as H. R. 7344, 83d Congress, a report on which was received by the Committee on the Judiciary under letter from Commissioner Swing on September 27, 1954.

The requesting of the departmental report in 1954 deferred Mrs. Monnell's deportation but she has recently been ordered to report for deportation in the middle of March 1955. Therefore, it is necessary to secure rapid action on this bill if Mrs. Monnell is to be allowed to remain in the United States and thus prevent her separation from her husband and small child.

I enclose a copy of the opinion and decision from the Board of Immigration Appeals in Mrs. Monnell's case and I invite your attention to the statements on page 2 that there are mitigating factors in the case which warrant the exercise of discretion if the immigration statute allowed, but that private legislation is the only avenue open to adjust Mrs. Monnell's status.

May I respectfully request that H. R. 935 be scheduled for hearing at an early date having in mind the fact that this bill has been introduced in a previous Congress and is designed to prevent the separation of a family.

Sincerely yours,

STERLING COLE, *Member of Congress.*

The enclosure referred to in the above letter reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
BOARD OF IMMIGRATION APPEALS,
Washington, November 18, 1953.

A-7395448-Buffalo-0700-K-8504

In deportation proceedings: Marion Josephine Monnell nee Williams or Marion Josephine Harris.

In behalf of respondent: John S. Riggs, Esq., 302 Church Street, Elmira, N. Y.

Charges:

Warrant: Act of 1917—Convicted of crime prior to entry, false pretenses with intent to defraud (two offenses). Act of 1924—Remained longer, visitor.

Lodged: Act of 1924—No immigration visa.

Application: None.

Detention status: Released on conditional parole.

This case has been certified for final decision in accordance with 8 CFR 90.3 (b). An order entered May 15, 1952, by the Acting Assistant Commissioner provides for respondent's deportation from the United States pursuant to law on the criminal charge stated above and on the documentary charge lodged during the hearing. Counsel on appeal seeks discretionary relief under the 7th proviso to section 3 of the Immigration Act of 1917, as amended.

The respondent a native and citizen of Canada, female, married to a United States citizen, and the mother of a native-born minor child, last entered the United States at the port of Clayton, N. Y., during July of 1949 to resume her residence following a 5-day visit to Canada. The evidence establishes that respondent has resided in the United States since January 16, 1946. Exhibit 4 establishes that the respondent was convicted on January 18, 1944, upon a plea of guilty, magistrate's court at Toronto, Ontario, Canada, of obtaining goods by false pretenses with intent to defraud in violation of section 405 of the Criminal Code of Canada. She was convicted for two offenses, committed on December 28, 1943, and January 10, 1944. Deportability on the stated charges is established by the evidence of record and no exceptions have been taken thereto.

Counsel on appeal seeks discretionary relief which would permit respondent to adjust her immigration status and reside with her husband and child permanently in the United States. The facts relative to the issue of discretionary relief are fully stated in the opinion of the hearing officer and are incorporated herein by reference. *They establish that there are mitigating factors present in the case which would warrant the exercise of discretion if respondent was statutorily eligible.* Relief under section 19 (c) of the Immigration Act of 1917 is precluded because respondent has been found deportable as a member of one of the classes specified in section 19 (d) of the said act. She is not eligible for relief under the 7th proviso to section 3 of the 1917 act because she did not acquire a 7-year domicile under subsequent to the effective date of the Immigration and Nationality Act of 1952. Furthermore, respondent does not appear to be eligible for relief under section 212 (c) or section 244 of the Immigration and Nationality Act of 1952. *While we do find that the case presents mitigating factors, discretionary relief is precluded under the immigration laws and the only avenue open to respondent*

to adjust her immigration status is that of private legislation in the Congress of the United States. The appeal will be dismissed.

ORDER: It is directed that the appeal be and the same is hereby dismissed.

THOS. G. FINUCANE, *Chairman.*

[Italics added.]

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 935) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 593

LUZIE BIONDO (LUZIE M. SCHMIDT)

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 943]

The Committee on the Judiciary, to which was referred the bill (H. R. 943) for the relief of Luzie Biondo (Luzie M. Schmidt), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the wife of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Germany who was married on March 6, 1954, to Sgt. Michael A. Biondo, in Germany. Sergeant Biondo is presently stationed in this country. The record discloses that the beneficiary was convicted in Munich, Germany, in 1947 for the embezzlement of 4 dresses, 1 suit, an apron, and 1 pair of shoes, and was again convicted in 1948 for the theft of 2 dresses and 1 pair of shoes. Without the waiver provided for in the bill, the beneficiary will be unable to join her United States citizen husband in this country.

A letter, with attached memorandum, dated October 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9927, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 1, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9927) for the relief of Luzie Biondo (Luzie M. Schmidt) there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Antonio, Tex., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime and would authorize the admission of the beneficiary to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act. The bill would limit the exemption only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUZIE BIONDO (LUZIE M. SCHMIDT), BENEFICIARY OF H. R. 9927

Information concerning the case was obtained from Sgt. Michael Anthony Biondo, the beneficiary's husband, who is stationed at Fort Hood, Tex., in the United States Army.

Luzie Biondo (Luzie M. Schmidt), was born at Martinau, Oberschlesien, Germany, on April 24, 1928. She married Sergeant Biondo in Germany on March 6, 1954, and is presently residing in Munich, Germany.

According to Sergeant Biondo, the beneficiary attended public school through the 12th grade. She came out of the Russian Zone of Germany as a refugee in 1946 and joined a married sister at Munich, who is also a refugee from the Russian Zone. Before marriage she worked in various factories in Munich as a seamstress. Since marriage, she has been unemployed and is supported by the husband through an Army allotment. Sometime after her arrival in Munich in 1946, she was convicted on 2 counts of a criminal charge, 1 of the counts being for theft and the other for embezzlement. She was sentenced to 3 months on the theft count and to 2 weeks on the other count, both sentences being suspended.

Sergeant Biondo was born at New Haven, Conn., on December 23, 1923. He has served with the United States Army from January 1943 until April 1946, and from July 1948 until the present time. He was stationed in Germany from September 1948 until March 1954. He has indicated that he has $1,000 on deposit in a New Haven bank and $500 on deposit with the Army. In addition, he has two $100 savings bonds; a 1951 Oldsmobile automobile; and a half interest in the family home at New Haven, Conn. His salary, including allotment to his wife, is $240 per month. He expects to make the Army a career.

The Director of the Visa Office, Department of State, also submitted to the then chairman of the Committee on the Judiciary of the House of Representatives the following letter dated December 11, 1954, with reference to the case:

DEPARTMENT OF STATE,
Washington, December 11, 1954.

HON. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of July 21, 1954, and its enclosures, wherein you request a report on the visa case of Luzie Biondo (Luzie M. Schmidt), beneficiary of H. R. 9927, 83d Congress, 2d session.

The American consulate general at Munich, Germany, has reported that Luzie Biondo, nee Schmidt was convicted in 1947 by the county court at Munich for the embezzlement of 4 dresses, 1 suit, 1 apron, and 1 pair of shoes, pursuant

to section 246 of the German Criminal Code, and that she also was convicted in 1948 by the same court for the theft (aggravated larceny) of 2 dresses and 1 pair of shoes pursuant to sections 242 and 243 of the German Criminal Code.

As embezzlement and theft, also known as larceny or stealing, have been held to constitute crimes involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the American consular officer to whom Mrs. Biondo applied had no choice other than to refuse to issue a visa to her.

At this time the Department has no knowledge of any factor in Mrs. Biondo's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Biondo from receiving a visa.

It may be added that there appears to be no administrative relief available under section 4 of Public Law 770, 83d Congress, 2d session, approved September 3, 1954, inasmuch as the alien was convicted of two separate offenses involving moral turpitude.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 943) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 594

MAX KOZLOWSKI

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 968]

The Committee on the Judiciary, to which was referred the bill (H. R. 968) for the relief of Max Kozlowski, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who attempts to obtain a visa through fraud, one who admits the commission of the essential elements constituting a crime involving moral turpitude, and one who had membership in a proscribed organization, in behalf of the father of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill was born in Poland on January 20, 1899, and is stateless at the present time. He presently resides in Germany. The beneficiary was taken prisoner by the Nazi Government in Poland in 1939, and remained a prisoner until liberated by the United States Seventh Army in May of 1945. The record discloses that in 1953, in Germany, the beneficiary applied for an immigrant visa and impersonated his brother-in-law and presented the latter's birth certificate. In addition, he admitted the commission of the essential elements constituting a crime involving moral turpitude, namely, fraud. The record further discloses that following his release from the concentration camp the beneficiary joined an association of "liberated victims of Nazi camps" at the urging of certain officials of a relief organization. This later became a front for pro-Communist elements. The beneficiary's son is a naturalized citizen of this

country, is married to a citizen and they have one citizen child. Without the waivers provided for in the bill, the beneficiary will be unable to join his son in the United States.

A letter, with attached memorandum dated July 2, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization Service with reference to H. R. 8282, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

JULY 2, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8282) for the relief of Max Kozlowski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary, by the Detroit, Mich., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Mordka Faiwel Kozlowski.

The bill provides that, notwithstanding the provisions of paragraphs (9) and (19) of section 212 (a) of the Immigration and Nationality Act, which relate to the exclusion of aliens who have been convicted of a crime involving moral turpitude and to the exclusion of aliens who sought to procure or have procured a visa or other documentation by fraud, the beneficiary may be admitted to the United States for permanent residence if he is found to be otherwise admissible.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MAX KOZLOWSKI, BENEFICIARY OF PRIVATE BILL H. R. 8282

Information regarding the beneficiary was obtained from Mr. Marvin Kozlowski, 4267 Duane, Detroit 4, Mich., son of the beneficiary, and Joshua Joyrich, 2630 Hazelwood, Detroit, Mich., cousin of the beneficiary.

The beneficiary, Mordka Faiwel Kozlowski, also known as Max Kozlowski and Hersz Cykiert, a native of Poland who now claims to be stateless, was born in Przytyk, Poland, on January 20, 1899. He has never been in the United States and resides at Tauberstrasse 1, Wertheim-am-mein, Germany.

The beneficiary lived in Radom, Poland, until he was taken prisoner by the Nazi Government of Germany in 1939, and remained a prisoner until liberation by the United States Seventh Army in May of 1945.

Prior to 1939, the beneficiary operated a grocery market in Radom, Poland. He is presently unemployed and supported by the German Government. His son, Marvin Kozlowski, sends him packages of food and clothing each month.

Between 1947 and 1949, the beneficiary operated a leather goods store in wartime Germany. He liquidated the store when he thought he was going to obtain an immigrant visa in June of 1949. However, his visa was denied by the American consulate office at Wurtzburg, Germany. He was also denied a visa at Frankfurt, Germany, on December 16, 1953. The committee may desire to request the Bureau of Security and Consular affairs, Department of State, to secure information in this connection.

It appears that the beneficiary also attempted to obtain an immigrant visa in Munich, Germany, in 1952 under the name of Hersz Cykiert.

Marvin Kozlowski, a naturalized United States citizen, has testified that although his father is not presently employed, the beneficiary would be able to support himself if he were admitted to the United States. The sponsor further testified that he is willing, and able, to support the beneficiary and even furnish a cash bond to insure that the beneficiary will not become a public charge.

The sponsor is married to a naturalized citizen of the United States and has one child, Jay Henry Kozlowski, who was born in Detroit, Mich., on May 27, 1952. He testified that he has assets of approximately $8,000 as follows: Equity in home, $2,000; furniture and household furnishings, $2,000; cash savings, $4,000.

The Department of State also submitted the following letter dated October 8, 1954, to the Committee on the Judiciary of the House of Representatives, relating to the beneficiary of the bill:

DEPARTMENT OF STATE,
Washington, October 8, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to previous correspondence concerning the case of Max Kozlowski in whose behalf H. R. 8282 was introduced in the 83d Congress.

The American consulate general at Frankfort, Germany, has reported that Mr. Kozlowski has admitted that he impersonated his brother-in-law in applying for an immigrant visa and presented the latter's birth certificate.

Mr. Kozlowski's action in attempting to obtain a visa through fraud constituted a violation of section 212 (a) (19) of the Immigration and Nationality Act and furthermore his admission of the commission of the essential elements constituting a crime involving moral turpitude, namely, fraud, brings him within the provisions of section 212 (a) (9) of the act. Under either section of law Mr. Kozlowski would be excludible from admission into the United States and ineligible to receive a visa.

In addition to the above-indicated grounds of ineligibility, the consulate general's report indicates that Mr. Kozlowski is apparently ineligible to receive a visa under the provisions of section 212 (a) (28) (C) (i) of the Immigration and Nationality Act because of his membership in a proscribed organization; and that by reason of the facts and circumstances surrounding such membership it is considered that Mr. Kozlowski would not qualify either as an involuntary member under section 212 (a) (28) (I) (i) or as a "defector" under section 212 (a) (28) (I) (ii) of the act.

As a consequence, the responsible consular officer would have no choice other than to refuse to issue a visa to Mr. Kozlowski.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

The beneficiary's son, who was incarcerated with his father in one of the German concentration camps during World War II, testified regarding the circumstances under which he and his father were liberated, after almost 5 years of incarceration, and how his father was advised by certain officials of a relief organization to join an association of "liberated victims of Nazi camps" which organizations became in turn fronts for some pro-Communist elements in Germany.

The subcommittee which heard this testimony is fully conversant with the situation regarding the circumstances referred to above. It was, unfortunately, common practice in the years 1945–46 to advise liberated immates of Nazi concentration camps to agree to be repatriated to their countries which had fallen under Soviet domination and to join highly questionable organizations which were mushrooming all over the ravaged provinces of Western Germany only to be soon "captured" by Communists and their associates.

It is the belief of the committee that liberated victims of Nazi camps cannot be made—as a rule—responsible for their short-lived membership in those organizations.

In addition, the Department of State corrected an error contained in the report of October 8, 1954, by a further letter dated March 30, 1955, which reads as follows:

DEPARTMENT OF STATE,
Washington, March 30, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of March 18, 1955, and to previous correspondence with the committee concerning the case of Max Kozlowski, beneficiary of H. R. 968, 84th Congress, 1st session.

Upon review it has been ascertained that the reference made to Mr. Kozlowski's ineligibility to receive a visa under section 212 (a) (28) (C) (i) of the Immigration and Nationality Act, as stated in Mr. Maney's letter of October 8, 1954, to Mr. Reed, was inadvertent.

In the light of the foregoing information it is suggested that the penultimate paragraph of the aforementioned letter of October 8, 1954, be corrected in part to read as follows:

"In addition to the above-indicated grounds of ineligibility, the consulate general's report indicates that Mr. Kozlowski is apparently ineligible to receive a visa under the provisions of section 212 (a) (28) (C) (v) of the Immigration and Nationality Act because of his membership in a proscribed organization; * * *"

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

Subdivision (i) of section 212 (a) (28) (C) of the Immigration and Nationality Act, erroneously quoted in the Department's letter of October 8, 1954, refers to aliens who are members of or affiliated with the "Communist Party of the United States," while subdivision (v) of the same section of the law, refers to membership or affiliation with "any section, subsidiary, branch, affiliate, or subdivision of any such association or party."

Congressman John D. Dingell, the author of the bill, submitted the following affidavits in support of the bill:

DETROIT, MICH., *March 3, 1955.*

Re H. R. 968, MAX KOZLOWSKI.
HOUSE IMMIGRATION SUBCOMMITTEE,
Washington, D. C.

GENTLEMEN: I, the undersigned, Marvin Kozlowski, hereby plead the passage of the above bill in favor of the applicant, Max Kozlowski, who is my father, the only survivor, besides myself, of my family during the Nazi atrocities.

My father is an upright, honest, and religious man. Only one time in his life he made a blunder, and that was when he made a misstatement in his eagerness to join me and my wife, and our Detroit-born son, which is now his sole goal in his life.

May you, kind gentlemen, afford him the distinction of being called grandpa right here, on this free soil of the United States of America, and give him the chance of proving that he can make a trustworthy American citizen, even as I have done in the brief span of time since my arrival.

You may rest assured I shall not let my father fall a burden upon the community. This statement is borne out by my cousin, Joshua Joyrich, citizen and merchant of Detroit, as per enclosure.

Respectfully and sincerely yours,

MARVIN KOZLOWSKI.

PROGRESSIVE AUTO SUPPLY CO.,
Detroit, Mich., March 3, 1955.

Re H. R. 968, MAX KOZLOWSKI.
HOUSE IMMIGRATION SUBCOMMITTEE,
Washington, D. C.

GENTLEMEN: Please be advised that I am a first cousin of Max Kozlowski, for whose relief the above private bill has been introduced by Hon. Representative John D. Dingell.

I have known Max Kozlowski during the first two decades of my life in Radom, Poland, prior to my emigration to the United States, and since then have corresponded with him extensively. I hereby vouch for his good character and in-

tegrity. It is true, he took one step in the wrong direction, but that was done under an extenuating circumstance, indeed, lack of guidance and eagerness to join his only survivor member of his family besides himself, due to the Nazi holocaust, namely his son, Marvin Kozlowski, who is now a useful citizen of the United States, residing here in Detroit, for whose honesty of character I also vouch herewith. His son, Marvin, who is now married and a father of a native son, wishes to provide a new life and security for his father, Max, who shall not fall a burden upon the State, when admitted to this country, but rather make a good United States citizen too.

I plead most ardently the passage of said bill.

Respectfully submitted.

JOSHUA JOYRICH.

MARCH 4, 1955.

Hon. JOHN D. DINGELL,
House of Representatives, Washington, D. C.

DEAR MR. DINGELL: I have been advised that the House Judiciary Committee has under consideration House Resolution 968 related to the admission to the United States of Mr. Max Kozlowski, now residing in Germany. I should like to make a statement on behalf of Mr. Kozlowski which you may use in your deliberations on the private bill in question.

In August 1946, while serving with the judge advocate to the United States theater commander in Germany, I was assigned to the Office of Adviser on Jewish Affairs to the United States command in Germany and Austria. I served in this capacity from August 1946 to February 1950. The principal concern of this office was to advise the United States commands in Germany and Austria on problems related to the welfare and emigration of the Jewish displaced persons living in the United States zones of occupation. It is in this capacity that I met Mr. Max Kozlowski.

I recall having engaged Mr. Kozlowski in many conversations, and in these conversations gained the impression that Mr. Kozlowski is a person of good moral character, and is loyal to the principles of democracy. I never heard an utterance from Mr. Kozlowski which would cast any doubt upon his integrity or his devotion to the ideals of the democratic way of life. I understand that in an application for a visa to the United States, Mr. Kozlowski filed his application under an assumed name. His explanation for this is that he did this because he was then faced with certain charges and because he believed that he might not be able to establish his innocence of the offense with which he was charged. Believing that a conviction, though unjustified, would bar his entry to the United States, he used the device of the assumed name.

Though I by no means condone Mr. Kozlowski's act of misrepresentation, my experience with the displaced persons, and particularly with the Jewish displaced persons who owed their survival during the Nazi regime to the use of false documents, leads me to say that Mr. Kozlowski's use of the assumed name should not bar his entry to the United States. It is understandable that certain practices resorted to at a time when the use of that device means the difference between life and death, may be employed after the conditions which provoked the particular behavior have vanished. We, as part of humanity, must, in my judgment, be patient with people whom humanity forced to do certain things to secure their survival. I am morally persuaded that Mr. Kozlowski did not realize the gravity of his offense, and that if permitted to enter the United States, he would be a law-abiding person, and eventually a good citizen. I do not believe that what Mr. Kozlowski did is symptomatic of dishonesty or bad character. Mr. Kozlowski was simply eager to leave Germany and make a fresh beginning in a country that he desperately wanted to reach. It is in this context, in my judgment, that his act of misrepresentation should be judged.

I have no hesitancy in recommending favorable action on the private bill which would enable Mr. Kozlowski to enter the United States.

Respectfully,

ABRAHAM S. HYMAN, *Administrative Director.*

HEADQUARTERS I CORPS, OFFICE OF THE CHAPLAIN,
APO 358, United States Army, September 25, 1953.

To Whom It May Concern:

Mr. Max Kozlowski of Wertheim/Main, Germany, has asked me to give him a character reference. It is his intention to use this reference in connection with

his application for immigration to the United States. I understand also that his application has not yet been favorably considered because he is allegedly politically undesirable.

Obviously, I am in no position to controvert any intelligence evidence. I am, however, under moral compulsion to testify that I knew Mr. Max Kozlowski when I served as assistant to the adviser on Jewish affairs to General Clay and Mr. McCloy and that I knew him to be a person of good character. He impressed me always as possessing genuine democratic ideals and deep religious convictions. It is difficult, if not impossible, for me to believe that he was communistically inclined. I recall very vividly his marked interest in American democratic institutions and his admiration of the American way of life. As long as I knew him, he cherished the hope that he would someday be worthy of becoming an American citizen.

He was a member of the VVN before that organization showed its true color. He discontinued his membership in it as soon as it became clear that VVN was a Communist front. I have the impression that his membership was not prompted by political conviction but rather by promise of help and restitution. His friendship with Communist leaders of the organization in his community was not a friendship of political bedfellows.

I am a chaplain in the United States Army. As a teacher of the God faith and as an American citizen I would have no sympathy for Mr. Kozlowski, if I thought that he were a Communist agent or a Communist tool. If the evidence against Mr. Kozlowski is not conclusive I would recommend that he be given an opportunity to prove himself worthy of refuge in our country.

Very truly,

LOUIS BARISH,
Chaplain (Major) U. S. Army, Corps Jewish Chaplain.

STATE OF NEW YORK,
CITY OF NEW YORK,
County of New York, ss:

Seymour Freedman, being duly sworn, deposes and says:

That he is an American citizen by birth.

That he is a member of the New York City police force.

That in May of 1945, while your deponent was with the United States Armed Forces in Germany in the vicinity of Wertheim, he met Mr. Max Kozlowski, who had just been liberated from a concentration camp.

That your deponent became very friendly with Mr. Max Kozlowski and saw him constantly for a period of approximately 5 months.

That your deponent can testify from his own personal knowledge that Mr. Max Kozlowski is a person of good moral character, was not engaged in any political activities and was very friendly and helpful to the American Armed Forces.

Your deponent feels that if Mr. Max Kozlowski will be permitted to enter the United States he will make a good, useful citizen.

SEYMOUR FREEDMAN.

Sworn to before me this 28th day of September 1953.

[SEAL] JOSEPH MALITZ, *Notary Public.*

Certificate filed with New York County Clerk and Registrar. Term expires March 30, 1954.

AFFIDAVIT RE PRIVATE BILL NO. H. R. 8282

STATE OF MICHIGAN,
County of Wayne, ss:

I, Harry Bowman, under oath do solemnly affirm that I have known Max Kozlowski for a period of 15 years and without a doubt can state that he is a man of good moral character.

I further declare that Max Kozlowski's upright character and fine behavior was not blemished by the temporary loss of his usual equipose of sound thinking which was due to his eagerness to end his great loneliness and despair.

I further allege that he, Max Kozlowski, if admitted to the United States of America, will become a good and beneficial citizen.

HARRY BOWMAN.

Sworn to and subscribed before me this 8th day of July 1954.

[SEAL] IDA A. ZYSKIND, *Notary Public.*

My commission expires January 25, 1957.

NOTARIAL ACKNOWLEDGMENT

STATE OF MICHIGAN,
County of Wayne, ss:

I, Edgar M. Branigin, clerk of the circuit court for the county of Wayne, which is a court of record, having a seal,

Do hereby certify, that Ida A. Zyskind whose name is subscribed to the certificate or proof of acknowledgment of the annexed instrument and therein written, was, at the time of taking such proof or acknowledgment a notary public in and for said county, duly commissioned and qualified and duly authorized to take the same. And further, That I am well acquainted with the handwriting of such notary public, and verily believe that the signature to the said certificate or proof of acknowledgment is genuine. I further certify, that said instrument is executed and acknowledged according to the laws of this State.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court and county, at Detroit, this 8th day of July A. D. 1954.

[SEAL] EDGAR M. BRANIGIN, *Clerk.*
GEO. B. WOKTMAN, *Deputy Clerk.*

AFFIDAVIT RE PRIVATE BILL H. R. 8282

STATE OF MICHIGAN,
County of Wayne, ss:

I, the undersigned, Esther Zyskind, do hereby certify that throughout the 30 years that I have known Max Kozlowski, at present a displaced person in Germany, he has impressed me to be a very fine man, possessing a character beyond reproach.

I further believe firmly that Max Kozlowski's usual integrity of character and good behavior was not marred by the temporary loss of his normal equilibrium of straight and honest thinking which was due to his overzealousness to make an end to his isolation and despair.

I further vouch that he, Max Kozlowski, will make a good and useful citizen of the United States of America, if admitted to this country.

ESTHER ZYSKIND.

Sworn to and subscribed before me this 8th day of July 1954.

[SEAL] IDA A. ZYSKIND, *Notary Pbulic.*

My commission expires January 15, 1957.

NOTARIAL ACKNOWLEDGMENT

STATE OF MICHIGAN,
County of Wayne, ss:

I, Edgar M. Branigin, clerk of the Circuit Court for the County of Wayne, which is a court of record, having a seal,

Do hereby certify, That Ida A. Zyskind whose name is subscribed to the certificate or proof of acknowledgment of the annexed instrument and therein written, was, at the time of taking such proof or acknowledgment a notary public in and for said county, duly commissioned and qualified and duly authorized to take the same. And, further, That I am well acquainted with the handwriting of such notary public, and verily believe that the signature to the said certificate or proof of acknowledgment is genuine. I further certify, that said instrument is executed and acknowledged according to the laws of this State.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court and county, at Detroit, this 8th day of July A. D. 1954.

[SEAL] EDGAR M. BRANIGIN, *Clerk.*
GEO. B. WORTMAN, *Deputy Clerk.*

AFFIDAVIT RE PRIVATE BILL H. R. 8282

STATE OF MICHIGAN,
County of Wayne, ss:

I, Sally Pinkas, do hereby declare under oath, that during the 15 years that I have known Max Kozlowski, I have been convinced that his character is reproachless and upright.

I further state that I still have a high esteem for Max Kozlowski, even though he committed a misguided act in an hour of distress in order to expedite his reunion with his son who survived the Hitler holocaust, besides himself.

I further vouch for Max Kozlowski's innate honesty and integrity, and guarantee that he will make a good and devoted citizen if permitted entry to the United States of America.

SALLY PINKAS.

Sworn to and subscribed before me this 8th day of July 1954.

[SEAL] IDA A. ZYSKIND, *Notary Public.*

My commission expires January 15, 1957.

NOTARIAL ACKNOWLEDGMENT

STATE OF MICHIGAN,
County of Wayne, ss:

I, Edgar M. Branigin, clerk of the Circuit Court for the County of Wayne, which is a court of record, having a seal,

Do hereby certify, That Ida A. Zyskind, whose name is subscribed to the certificate or proof of acknowledgment of the annexed instrument and therein written, was, at the time of taking such proof or acknowledgment a notary public in and for said county, duly commissioned and qualified and duly authorized to take the same. And, further, That I am well acquainted with the handwriting of such notary public, and verily believe that the signature to the said certificate or proof of acknowledgment is genuine. I further certify, That said instrument is executed and acknowledged according to the laws of this State.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court and county, at Detroit, this 8th day of July A. D. 1954.

[SEAL] EDGAR M. BRANIGIN, *Clerk,*
GEO. B. WIRTMAN, *Deputy Clerk.*

In addition, the beneficiary's son wrote to the chairman of the Senate Judiciary Committee on April 25, 1955, as follows:

DETROIT, MICH., *April 25, 1955.*

Re H. R. 968.

Hon. HARLEY M. KILGORE,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SENATOR: I, the undersigned, hereby plead your assistance to the above bill in favor of the applicant, Max Kozlowski, my father.

He and I are the only member survivors of a family of 7. The other 5, my mother, brother, and 3 sisters perished in the crematorium. My father is an upright, honest, and religious man, and is eager to join me and my wife and our Detroit-born son.

May you, dear Senator, afford him the distinction of being called grandpa on the free soil of the good United States of America, and give him the chance to prove that he can make a trustworthy American citizen. Please rest assured I will not let my father fall a burden upon the community. I guarantee that a job and a home are awaiting him.

The passage of the bill by the House of Representatives on April 19 due to the efforts of Congressman John D. Dingell, who introduced the measure, to be effective—as you well know—requires the support of the Senate before it goes to the President for his final stamp of approval.

I hope and pray that your honor, as chairman of the Judiciary Committee, will take said measure up for immediate consideration and trust same will receive favorable action by your committee.

Thus you will assist a former displaced person to rehabilitate himself, and restore his faith in mankind leaving a great tragedy behind him.

Thanking you in advance for your support, I am

Sincerely,

MARVIN KOZLOWSKI.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 968) should be enacted.

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Calendar No. 600

84TH CONGRESS, 1st Session | SENATE | REPORT No. 595

MRS. ELIZABETH DOWDS

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 973]

The Committee on the Judiciary, to which was referred the bill (H. R. 973) for the relief of Mrs. Elizabeth Dowds, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Elizabeth Dowds. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 56-year-old native of Northern Ireland and citizen of Great Britain who entered the United States on June 14, 1925, in the name of her sister-in-law, for permanent residence. She was naturalized a citizen of the United States, but her naturalization was revoked on August 14, 1947. She has been found deportable on the grounds that her immigration visa was procured by fraud and misrepresentation and that she admits having committed a felony or misdemeanor involving moral turpitude prior to her entry, namely, 3 counts of perjury, and 2 counts of forgery. The beneficiary is divorced and is employed as a nursemaid. She has 2 adult citizen children and 3 grandchildren, all of whom reside in this country.

A letter, with attached memorandum, dated December 23, 1953, to the then chairman of the Committee on the Judiciary of the House

of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 5342, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DECEMBER 23, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5342) for the relief of Elizabeth Dowds, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

As a quota immigrant, the beneficiary would be chargeable to the quota of Great Britain.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELIZABETH DOWDS, BENEFICIARY OF H. R. 5342

Elizabeth Dowds, nee Smyth, also known as Leonora or Leanora Hill, a native of Northern Ireland and citizen of Great Britain, was born in Belfast, Ireland, on September 15, 1899. Her last residence abroad was in Northern Ireland. She entered the United States at New York, N. Y., on June 14, 1925, in the name of her sister-in-law, Leonora Hill. She was admitted for permanent residence. She had entered the United States previously at New York, N. Y., on August 13, 1922, in her own name, and was admitted at this time for permanent residence. She was formerly a naturalized citizen of the United States, but her naturalization was revoked on August 14, 1947. Deportation proceedings have been instituted and she has been found to be deportable from the United States on the ground that the immigration visa which she presented was procured by fraud and misrepresentation, and that she admits having committed a felony or misdemeanor involving moral turpitude prior to entry into the United States, to wit: Perjury, 3 counts; forgery, 2 counts. Her appeal from this decision and a motion to reconsider have both been dismissed. A warrant of deportation is outstanding in her case.

Mrs. Dowds has made application for a Presidential pardon of her conviction on May 28, 1946, for violation of United States Code, title 8, section 746 (a) (1) and section 746 (a) (2) (a), in that she testified falsely in a matter relating to naturalization and citizenship. The Board of Immigration Appeals has held that a pardon of this offense will not relieve her from deportation.

Since August 1951 Mrs. Dowds has been in the employ of Maj. Abraham Glass, of the United States Army, whose residence is 17–J Garden Drive, Manchester, Conn. She is presently continuing this employment as a nursemaid and is earning $22 weekly, plus meals. She has United States savings bond in the amount of approximately $1,300 and has a savings account of $700.

Mrs. Dowds obtained a divorce from her husband, Daniel Dowds, in 1946. They had been married in Belfast, Ireland, on July 11, 1922. She has no one in the United States dependent upon her for support. Mrs. Dowds has a daughter and a son and three grandchildren residing in the United States. She attended public school in Belfast, Ireland for 8 years and attended a night school for 1 year, when she studied home economics.

Congressman Thomas J. Dodd, the author of the bill, wrote to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives on March 7, 1955, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 7, 1955

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1,
Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: With reference to my bill, H. R. 973, for the relief of Mrs. Elizabeth Dowds, I submit for the committee's consideration the following pertinent facts:

1. The beneficiary, who is 55 years old, is a former naturalized citizen who has lived in this country almost 30 years.

2. If returned to Ireland, from which she has been absent most of her adult life it would probably be very difficult to find employment, thereby imposing a financial burden upon her children.

3. Mrs. Dowds has two grown, married children, both citizens of the United States. Her son is an instructor in the physics department of Columbia University. Her daughter, a housewife, lives near her mother and is well able to furnish care and support.

4. For her past mistakes, Mrs. Dowds has applied for a Presidential pardon, which is still pending.

5. Mrs. Dowds has maintained a record of steady, gainful employment, has considerable savings in war bonds, maintains her own home, and there is no danger of her becoming a public charge.

I feel that Mrs. Dowds would be a loyal citizen to this country and, therefore, I hope the committee may find it possible to favorably consider my bill.

Very truly yours,

THOMAS J. DODD,
Member of Congress

In addition, Congressman Dodd submitted the following affidavits in support of the bill:

AFFIDAVIT

STATE OF CONNECTICUT,
County of Hartford, ss:

Elizabeth Dowds, being duly sworn, deposes and says:

That I reside at 709 Main Street, Manchester, Conn.

That I was born on September 15, 1899, in Northern Ireland.

That I emigrated to the United States in 1922, and I was admitted at the port of New York for permanent residence on August 13, 1922.

In September 1923 I departed from the United States with a British passport issued to me in the name of my sister-in-law, Leonora Hill. I returned to the United States and was admitted for permanent residence at the port of New York on June 14, 1925, upon presentation of a quota immigration visa issued by the American consulate in Belfast, Ireland, in the name of my sister-in-law, Leonora Hill. I have remained in the United States since June 14, 1925.

In 1940 I registered under the Alien Registration Act and indicated that I had not been absent from the United States since my original entry in 1922. Also in my petition for naturalization in 1942, I indicated that I had not been absent from the United States since my entry in 1922. Because of these misstatements I was indicted, and on May 28, 1946, I pleaded guilty to the indictment in the United States District Court for the Southern District of New York on three counts of having testified falsely in the matter relating to naturalization and citizenship. Imposition of sentence was suspended on all 3 counts and I was put on probation for 1 day. My certificate of naturalization issued to me on June 1, 1942, was ordered canceled.

In December 1952 I petitioned for a pardon to the President of the United States through the pardon attorney in Washington, D. C. This petition is still pending.

I have been steadily employed for many years. I am presently employed, and have been since August 1951, as a nursemaid for Maj. Abraham Merton Glass, of the United States Army. I earn approximately $22 per week plus meals.

I have about $800 in bank savings, furniture of about $500 value, and personal effects of about $500 value. I also have $1,425 in United States war savings bonds.

I have two grown and married children, both citizens of the United States. I divorced my husband on March 8, 1946. While no one is dependent upon me for support, if I were forced to leave the United States after being here most of

my adult life, I would most likely need to be supported by my children; returning to a country from which I have been absent since 1925, at my age, would make it almost impossible to find employment.

Other than the conviction in 1946 relating to my statements that I had not been absent from the United States since 1922, I have not had any trouble with the police. Attached are copies from police headquarters from Northern Ireland, New York City, Hartford, and Manchester, Conn., wherein is indicated that each of these jurisdictions find no record in their files against me. At my deportation hearing before the Immigration and Naturalization Service I presented documentary evidence of my good moral character for the past 10 years.

My stay in the United States has made me come to love this country. The United States has been my home for 28 years, and I wish to remain here forever. I have never been disloyal or subversive to the United States. I believe in the republican form of government of the United States, and owe true allegiance to the United States, and wish to be associated with this Government and its ideals to which I have been indoctrinated during my residence in this country.

It would break my heart and my children's hearts if I were forced to leave this country. Therefore, I respectfully request that the Honorable Thomas J. Dodd favorably consider my plea for assistance.

ELIZABETH DOWDS.

Sworn to before me this 11th day of April 1953.

[SEAL] JOHN H. LAPPEN, *Notary Public.*

AFFIDAVIT

STATE OF CONNECTICUT,
County of Hartford, ss:

Abraham Merton Glass, being duly sworn, deposes and says:

That he resides at 17–J Garden Drive, Manchester, Conn., and is a major in the United States Army.

That Elizabeth Dowds has been employed by me since August 1951 in the capacity of nursemaid to my 2-year-old daughter. Aside from her great efficiency in doing her work, she has shown herself to be extremely trustworthy, loyal, and honest.

That in all this time your deponent can honestly state that he has seen no evidence of disloyalty or subversiveness on the part of Elizabeth Dowds against the United States.

That this affidavit is submitted in order to vouch for the good moral and political character of Elizabeth Dowds, and to state that to the best of my knowledge she is not a person who will be antagonistic to the best interests of the Government of the United States.

ABRAHAM M. GLASS, *Major, Infantry.*

Sworn to before me this 4th day of April 1953.

[SEAL] CHARLES A. BARBATO, *Notary Public.*

CHARACTER AFFIDAVIT

STATE OF CONNECTICUT,
County of Hartford, ss:

Nathan Moses, being duly sworn, deposes and says:

That he resides at 17–R Garden Drive, Manchester, Conn., and is a citizen of the United States.

That I have known Elizabeth Dowds for more than 5 years, having served her as her pharmacist.

That during all this time I have heard nothing derogatory to her moral or political character, nor has your deponent ever seen any evidence of disloyalty or subversiveness on the part of Elizabeth Dowds against the United States.

That to the best of my knowledge Elizabeth Dowds is not a person who will be dangerous to the best interests of the United States.

NATHAN MOSES.

Sworn to before me this 2d day of April 1953.

[SEAL] CHARLES A. BARBATO, *Notary Public.*

CHARACTER AFFIDAVIT

STATE OF CONNECTICUT,
County of Hartford, ss:

Ward Tedford, being duly sworn, deposes and says:

That he resides at 12 Warren Street, Manchester, Conn., a citizen of the United States.

That he is married to the daughter of Elizabeth Dowds and has known Elizabeth Dowds for a period of 7 years. During this time your deponent has known Elizabeth Dowds to be a person of good moral and political character.

Your deponent further states that he has seen Elizabeth Dowds practically every day since she lives nearby and visits quite frequently.

That in all this time your deponent can honestly state that he has seen no evidence of disloyalty or subversiveness by Elizabeth Dowds against the United States.

That this affidavit is submitted in order to vouch for the good character of Elizabeth Dowds, and to state that to the best of my knowledge she is not a person who will be inimicable to the interest of the United States.

WARD TEDFORD.

Sworn to before me this 2d day of April 1953.

[SEAL] CHARLES A. BARBATO, *Notary Public.*

CHARACTER AFFIDAVIT

STATE OF NEW YORK,
City of New York, County of Queens, ss:

Ann Dowds, being duly sworn, deposes and says:

That she is a housewife residing at 50–25 Newton Road, Woodside, N. Y.

That she is married to the son of Elizabeth Dowds and has known Elizabeth Dowds for a period of 10 years. During this time your deponent has known Elizabeth Dowds to be a person of good moral and political character.

Your deponent further states that she has seen Elizabeth Dowds on the average of once a month and in the interim communicated by mail or telephone.

That in all this time your deponent can honestly state that she has seen no evidence of disloyalty or subversiveness by Elizabeth Dowds against the United States.

That this affidavit is submitted in order to vouch for the good character of Elizabeth Dowds, and to state that to the best of my knowledge she is not a person who is or who will be antagonistic to the Government of the United States.

ANN DOWDS.

Sworn to before me this 4th day of April 1953.

[SEAL] IRVING ABRAMS,
Notary Public, State of New York.

Term expires March 30, 1955.

MANCHESTER, CONN., *April 9, 1953.*

To Whom It May Concern:

This is to certify that Mrs. Elizabeth Dowds, of 709 Main Street, Manchester, Conn., has been a patient of mine since 1949. In this time I have seen her on several occasions because of minor illnesses and one time for an injury which occurred at her home. I would state that Mrs. Dowds is in good physical condition and there are no signs that she would become a burden on anyone in the United States because of her physical condition.

A. ELMER DISKAN, M. D.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 973) should be enacted.

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Calendar No. 601

84TH CONGRESS, 1st Session | SENATE | REPORT No. 596

MRS. ELLEN HILLIER

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 977]

The Committee on the Judiciary, to which was referred the bill (H. R. 977) for the relief of Mrs. Ellen Hillier, having considered the same, reports favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Ellen Hillier. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 34-year-old native of Estonia and citizen of Great Britain, who last entered the United States as a visitor on September 26, 1950. The beneficiary went to Germany with her parents in 1944, as a refugee. In 1947, she left Germany and went to London where she resided until she entered the United States. In 1948, the beneficiary was married, but in 1950, her husband deserted her. The beneficiary's parents resided in Germany until 1950, when they came to the United States as displaced persons. The beneficiary resides with her parents and cares for her mother, who is undergoing outpatient treatment for what may be Meniere's disease. It is stated that her mother should have someone with her at all times.

A letter, with attached memorandum, dated November 13, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration

and Naturalization with reference to H. R. 3561, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

NOVEMBER 13, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report to the bill (H. R. 3561) for the relief of Mrs. Ellen Hillier, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien lawful permanent residence in the United States as of the date of its enactment, upon paymnet of the required visa fee. It would also direct that one number be deducted from the appropriate quota for the first year that such quota is available.

The quota of Estonia to which the alien is chargeable is presently oversubscribed for nonpreference applicants.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ELLEN HILLIER, BENEFICIARY OF H. R. 3561

Mrs. Ellen Hillier, a native of Estonia and citizen of Great Britain, was born in Tartu, Estonia, on August 10, 1920. She entered the United States as a section 3 (2) visitor, for pleasure, for a period of 6 months, on September 26, 1950. She has been granted several extensions of stay, the last of which terminated on September 1, 1953. She has indicated that she does not intend to depart from the United States and deportation proceedings are being held in abeyance pending the outcome of this bill.

Mrs. Ellen Hillier, whose maiden name was Ellen Kahr, resided in Estonia from birth until 1944. While in Estonia, she attended elementary and high schools in Tartu, and it was her intention to pursue a medical career, but the occupation by the Russians interfered with her education. In 1944, she went to Germany as a refugee, with her parents. In 1947 she left Germany and went to London England, where she resided until she came to the United States. While residing in Germany, from 1944 to 1947, she was employed by the British Government with the British Armed Forces in the "Naafi section" and also with the United Nations Relief Administration.

On December 31, 1948, she married John C. Hillier in London, England, and there are no children of this marriage. This was the first marriage for each of them and they are separated for over 3 years. Mrs. Hillier is in possession of a document issued by the county of London, metropolitan police district, dated July 4, 1950, establishing that her husband unlawfully deserted her on May 29, 1950, and the he was ordered to pay her 15 shillings per week. She does not intend to resume residence with her husband.

The alien's parents resided in Germany until 1950 when they left Germany and came to the United States as displaced persons in February 1950, at New Orleans, La., on the steamship *General McRae*. They have been residing in the United States ever since. Her father is employed at the Wise-Smith Department Store in Hartford, Conn., as a porter and earns about $36 per week. Her mother may be the victim of Meniere's disease and is undergoing treatment as an outpatient of the Hartford Hospital. Mrs. Hillier is not employed at the present time since she must take care of her mother, who should not be left alone.

There is no available evidence of any political activity, and she maintains that her experience with totalitarian governments has made a lasting impression and that she has an extremely favorable attitude toward our form of government.

Congressman Thomas J. Dodd, the author of the bill, wrote to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives on March 7, 1955, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 7, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: With reference to my bill, H. R. 977, for the relief of Mrs. Ellen Hillier, I submit for the committee's consideration the following pertinent facts:

1. The beneficiary, only child of fine upstanding citizens of Estonia, fled with her family to Germany as a refugee when this small country was taken over by the Russians. The parents came to this country under the displaced persons immigration quota and are now residing in East Hartford, Conn. Mrs. Hillier went to England from Germany, where she married a British subject.

2. When the marriage failed, Mrs. Hillier entered the United States and made her home with her parents, where she still resides.

3. Mrs. Hillier cannot return to Estonia because of fear of persecution, and if returned to England, she goes back to no one who has any interest in her. Further, since she was born in Estonia, she would have to come in under the Estonian quota, which would involve an indeterminate number of years of waiting.

4. Her father, who is gainfully employed, is well able to support her. Her mother, who is aged and in poor physical health, needs the comfort and care of her daughter. Since she is an only child, there is an exceptionally strong bond of affection between them.

5. Affidavits in support of this case are being placed on file with the committee.

Since separation of this family would cause undue suffering, I hope the committee will find it possible to favorably consider my bill.

Very truly yours,

THOMAS J. DODD, M. C.

In addition, Congressman Dodd submitted the following affidavits in support of the bill:

AFFIDAVIT

I, Ellen Hillier, of the town of East Hartford, county of Hartford, and State of Connecticut, do hereby depose and say:

I was born in Estonia on August 10, 1920, as Ellen Kahr, the daughter of Voldemar and Adele Kahr. I am the only child of my parents. During the Second World War, Estonia was run over and marauded by the armies of both the Germans and Russians. Prior to the war, we were living comfortably as my father was a wealthy merchant. We were deprived of practically all of our possessions because what one army failed to take, the opposing army took the rest. My parents and I had to flee to the woods and hide and we suffered great hardships and deprivations. On September 9 or 10, 1944, my parents and I left Estonia and fled to Mecklenburg, Germany, in the British Zone where we were received as refugees. In May 1945, I left Mecklenburg and went to Hanover, Germany, where I was employed as an interpreter for the British forces. As a displaced person, I left Hanover in May 1947 and went to London, England. There I was employed for a while at the General Electric, an English corporation, where I met my husband, John C. Hillier, an Englishman, who was a coemployee, and resides in England. In January 1950, my parents came to this country under the displaced persons immigration quota and are now residing in East Hartford, Conn.

My marriage to Mr. Hillier did not prove well for me as he cared more for drink than he did for domesticated life. I tried hard to make a go of it but received absolutely no cooperation and, in fact, was deserted by him. The only ones I had in this world were my parents whom I love very dearly. With all my heart and soul I wanted to be with them and to take care of my mother whom I knew needed me because of the ravishes made on her health during her flight from Estonia and the displaced persons camp. I then secured a British passport issued to me because my nationality status is that of a British subject because of my marriage to one, and entered this country on September 26, 1950. Since then I have made my home with my parents in East Hartford.

My temporary passport with its extensions is about to expire. My mother needs my care and attention. I love this country and its institutions. I dread and hate the governments of Russia and its satellites. I care not to return to England because my husband, after I had been here a short time, wrote me stating that he desires to secure a divorce from me. Here in this country with my

parents is where I belong. I was married on December 3, 1948, and there are no children, issue of the marriage, and for me to go back to England would just merely tend to prolong the aches and sorrows which I have experienced during my wanderings since my flight from Estonia. If given the chance, I promise to be wholeheartedly devoted to American principles and traditions and shall do nothing for which any American need be ashamed.

Dated at Hartford, Conn., this 27th day of February 1953.

ELLEN HILLIER.

Subscribed and sworn to before me this 27th day of February 1953.

[SEAL] JACOB SCHWOLSKY,
Notary Public.

AFFIDAVIT

I, Maria Beaudoin, of the town of East Hartford, county of Hartford, State of Connecticut, being duly sworn, do hereby depose and say:

My maiden name was Maria Tomeo. I was born in Hartford, county of Hartford, State of Connecticut, on June 24, 1925, and my husband, Florido J. Beaudoin, was born in Ware, Mass., on July 1, 1925. We were married at St. Patrick's Church, Hartford, Conn., on October 11, 1947, and we have one child, Denise Marie, born in East Hartford, Conn., on April 4, 1951. My husband has served in the United States Navy during the Second World War as a radio technician and was discharged in 1945.

I have known Mrs. Ellen Hillier for the past 2 years and have visited her home frequently. I first knew her when they first made their home with my sister at 379 Prospect Street, East Hartford, Conn., and we became very good friends.

The Kahr family, parents and daughter, make a very wholesome and wonderful family. They are extremely devoted to one another and are an example of good family life. Despite the fact that they are displaced persons and have endured so much hardship at the hands of the belligerents in Europe, they feel happy in their American home. Their craving is to become American citizens after they have lived here the required time. I always see Ellen, who is the only child of her parents, catering to them and particularly to her mother who is ill. Ellen gives her mother the most wonderful attention which her mother needs. Ellen Hillier is a very fine girl with excellent morals, and actually lives for her parents She will eventually make a fine citizen if she is permitted to remain for the required time to apply for citizenship.

I know Ellen to be in good health and is not likely to become a public charge. I would vouch that her presence in the United States would not be contrary to its best wishes.

Dated at Hartford, Conn., this 21st day of February 1953.

MARIA BEAUDOIN.

Subscribed and sworn to before me this 21st day of February 1953.

[SEAL] JACOB SCHWOLSKY,
Notary Public.

My commission expires April 1, 1955.

AFFIDAVIT

I, Anthony Sparveri, of the town of East Hartford, county of Hartford, State of Connecticut, being duly sworn, do hereby depose and say:

I am 37 years of age and reside with my wife and 3 children at 25 Crescent Court in said town of East Hartford.

I am secretary of Sparveri Bros., Inc., wholesaler of meats and groceries, located at No. 299 Windsor Street, Hartford.

I have known Ellen Hillier for the past 2 years during which time I was also well acquainted with her father and mother, Mr. and Mrs. Voldemar Kahr. I knew them when they first lived in the home of friends of mine, Mr. and Mrs. Joseph Fasola, who then lived at 379 Prospect Street, East Hartford. They then lived next to my mother's home at 383 Prospect Street, East Hartford. All during the time of my acquaintance with Ellen Hillier and her parents, I have observed them to be God-fearing, extremely good people. They seemed to be inseparable and devoted to one another. Ellen Hillier seemed to be a very

quiet, conservative, simple girl of the real wholesome type. I have heard them speak extremely well of this country and its institutions. I know Ellen Hillier to be a girl of excellent morals and of the kind that would make a good citizen if she were permitted to remain in this country.

I know Ellen Hillier to be in good health and is not likely to become a public charge. She devotes most of her time in taking care of her mother who is ill.

I would vouch that her presence in the United States would not be contrary to its best wishes.

I have served in Germany in the army of occupation and also in this country. I was honorably discharged on July 7, 1946.

Dated at Hartford, Conn., this 26th day of February 1953.

ANTHONY SPARVERI.

Subscribed and sworn to before me this 26th day of February 1953.

[SEAL] JACOB SCHWOLSKY,
Notary Public.

My commission expires April 1, 1955.

AFFIDAVIT

I, Rose Plenzio, of the town of East Hartford, county of Hartford, State of Connecticut, being duly sworn, do hereby depose and say:

I am the wife of Patsy Plenzio and we reside at 44 Woodycrest Drive, in the town of East Hartford. My maiden name was Rose Tomeo and my husband and I were married at St. Patrick's Church, Hartford, on August 23, 1947. We have one child, Robert, born in East Hartford on June 26, 1948. My husband served in the Army, Antiaircraft Division, in the South Pacific, including Luzon and New Guinea, and was in actual combat. Since his discharge from the Army, he has been and is now employed by the United Aircraft Corp. as a polisher. He was born in Hartford, county of Hartford, State of Connecticut, on January 6, 1924, and I was born in Hartford, county of Hartford, State of Connecticut, on July 30, 1927.

I have known Mrs. Ellen Hillier for the past 2 years. She and her parents, when I first knew them, were living with my sister and brother-in-law, Teresa and Joseph Faslo. I visited my sister frequently and made the acquaintance of Mrs. Hillier and her parents, Mr. and Mrs. Voldemar Kahr, so that I know them rather intimately. They are very nice people, just wonderful. They are extremely devoted to one another and actually live for each other. They like our country and have expressed how fortunate my husband and I were in having been born and living here.

This family has told us how they have been driven from pillar to post and reduced from riches to poverty. They are anti-Communist. They love everything about the United States. They are refined people and Mr. Kahr, Ellen's father, is very industrious, working every day. I cannot say too much in their behalf as wonderful people. Mrs. Ellen Hillier is at home most of the time taking care of her mother who needs her care because of illness which we believe was, in the main, due to rough treatment she had undergone while in Europe prior to their reaching the displaced persons camp in Germany from which the parents of Ellen Hillier were sent to this country under displaced persons quota.

I know Ellen Hillier to be a person of sound health, of good morals, not in any way disloyal, subversive, or antagonistic to the Government of the United States. In fact, if she is permitted to remain in this country because of her state of health, I am certain that she will be gainfully employed and that she is the kind of person whose presence in the United States will not be contrary to the interests of the Nation.

Dated at Hartford, Conn., this 21st day of February 1953.

ROSE PLENZIO.

Subscribed and sworn to before me this 21st day of February 1953.

[SEAL] JACOB SCHWOLSKY,
Notary Public.

My commission expires April 1, 1955.

AFFIDAVIT

I, Robert E. Howden, of the town of East Hartford, county of Hartford, State of Connecticut, being duly sworn, do hereby depose and say:

I reside at No. 44 Poster Brook Avenue in the town of East Hartford, Conn., with my niece, Mrs. Ethel M. Patterson; her husband, Louis H. Patterson; and their 9-year-old twins, Robert and Debra.

I was born in Hartford, Conn., on December 23, 1891, and have lived in Hartford all my life until I moved to my present address in East Hartford on December 22,1952. I served in World War I in the Coast Artillery and was stationed in the Boston Harbor. I had previously been a member of the Connecticut State Guard for about 5 years.

I am presently employed at Wise-Smith Co., at Hartford and have been so employed during the pars 2½ years. Prior to that time I had been employed at the Wiley Picture Gallery for 12 years. For some years prior I had been employed with J. Francis Saunders Co. at 163 Allyn Street, Hartford, Conn., a picture-framing company.

I have known Mrs. Ellen Hillier for the past 2 years. I became acquainted with her father when he became employed at Wise-Smith Co. Since his employment there, he has been under my direct supervision. I became attached to Mr. Kahr because he is such an efficient and honest person. It was through my attachment to him that I met his wife and daughter, Ellen Hillier. During the past 2 years, I have become very closely attached to all the family. I visit them at least 2 or 3 times a month at their home and I have gotten to know them intimately. They are all very wonderful people. I know that they are extremely devoted to each other and Mrs. Ellen Hillier is a very devoted daughter. They are a perfect example of a real American family. Mrs. Ellen Hillier is a person of the highest morals and she has given her mother, who has been ill, wonderful care and attention. Each one of the family is devoted to each other beyond words.

Mrs. Ellen Hillier's father is an extremely honest and efficient individual. I know that Mrs. Ellen Hillier is at home most of the time taking care of her mother who needs her care because of her illness.

The Hilliers are definitely anti-Communist. They love our American way of life and our democratic ideals. Mrs. Ellen Hillier is in excellent health, of excellent morals, and not in any way whatsoever disloyal, subversive, or antagonistic to the Government of the United States. I am certain that if she is permitted to remain in the United States that she would not become a public charge, and I know that she is the kind of person whose presence in the United States would not be contrary to the interests of the Nation.

Dated at Hartford, Conn., this 21st day of February 1953.

ROBERT E. HOWDEN.

Subscribed and sworn to before me this 21st day of February 1953.

[SEAL] HENRY J. GOLDBERG,
Notary Public.

My commission expires April 1, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 977) should be enacted.

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Calendar No. 602

84TH CONGRESS, 1st Session | SENATE | REPORT No. 597

SUSANNE FELLNER

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 988]

The Committee on the Judiciary, to which was referred the bill (H. R. 988) for the relief of Susanne Fellner, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Susanne Fellner. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of Austria, who last entered the United States on September 21, 1953, as a visitor. Her parents are deceased, and she resides with her great-uncle and aunt, who are 71 and 65 years of age respectively. The beneficiary's aunt is not in good health and is under a doctor's care. The uncle and aunt state that they will provide for the beneficiary of the bill, and that it would be a great comfort to have their niece remain with them and care for them in their declining years.

A letter, with attached memorandum, dated October 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9892, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., October 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9892) for the relief of Susanne Fellner, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It further provides for the deduction of one number from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Austria.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SUSANNE FELLNER, BENEFICIARY OF PRIVATE BILL H. R. 9892

The beneficiary, Susanne Fellner, a native and citizen of Austria, was born on July 11, 1932. She is single and last resided in Vienna, Austria.

Miss Fellner last entered the United States at the port of New York on September 21, 1953, when she was admitted as a visitor until March 20, 1954. She has received one extension of her temporary admission which will expire on September 20, 1954. She is not presently under proceedings by this Service.

Prior to her entry into the United States, the beneficiary spent all her life in Austria. She attended school in Vienna, Austria, and is a high-school graduate. Prior to her entry into the United States she was employed by her uncle, Edwin Ruziczka, as the manager of a food store in Vienna. Since her entry into the United States she has been unemployed.

The beneficiary resides with a great-uncle, Wasyl Terentiak, 637 Central, Pontiac, Mich. She has several cousins living in the United States. Her parents are both dead and her only relative living abroad is an uncle, Edwin Ruziczka.

The beneficiary has no known assets. Her uncle, Wasyl Terentiak, has testified that he is willing and able to provide for the beneficiary should she be permitted to remain permanently in the United States.

Congressman George A. Dondero, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. DONDERO: Miss Susanne Fellner is a native and citizen of Austria. She was born on July 11, 1932, and her last residence in Europe was in Vienna, Austria.

This young lady came to the United States as a visitor and is presently living with an uncle at 637 Central Avenue, Pontiac, Mich. Miss Fellner's mother died in 1947. Her father was drafted during World War II, and has been missing since 1941. The only relative she has in Austria to her knowledge is Mr. Edwin Ruziczka, of Vienna 8, Schlosgsseg, to whom she is related through her great-great-grandfather. Her closest relatives are the uncle and aunt with whom she is now residing, Mr. and Mrs. William Terentiak. This uncle and aunt have been naturalized citizens of the United States for the past 20 years.

Mr. and Mrs. Terentiak come highly recommended to me as good, trustworthy citizens. He is 67 years of age and his wife needs someone in the home by way of permanent assistance. They are eager that Miss Fellner be allowed to remain in the States and in their home where they will provide for her and see that she is not permitted to become a public charge.

I urge the committee to grant favorable action on this bill because of the circumstances and the further fact that this young lady is of good moral character and is now in a good Christian home.

In addition, the following letters were submitted to the chairman of the Senate Committee on the Judiciary in support of S. 677, a similar bill introduced in the Senate by Senator Patrick V. McNamara:

HOUSE OF REPRESENTATIVES,
Lansing, Mich., February 15, 1955.

Hon. PATRICK MCNAMARA,
United States Senator, Washington, D. C.

DEAR PAT: I received your letter of January 29, 1955, in reference to your private bill for the relief of Susanne Fellner which was introduced in the Senate on January 24, 1955, for the first and second readings. I know how committees work and know that the action desired is not always prompt in coming.

As I wrote to you in my initial letter, Susanne Fellner is now going to school on an extended year's extension from her original 6 months' visa. Her parents are both deceased and she has no other family living. She is 22 years old and since I had the pleasure of meeting her Sunday and can pass on the information to you she is a girl who speaks fluent English and in my humble opinion will make a good citizen. She is living with her uncle and aunt, Mr. and Mrs. William Terentiaky, who are over 70 years old. In addition to her need for parents the Terentiakys also need her assistance of youth. Mrs. Terentiaky recently had a heart attack and her condition is not good.

Enclosed you will find a copy of a doctor's letter and also a note from Mr. Terentiaky which he wanted me to forward to you.

If there is anything further that you would need in regards to this request please contact me and I will supply the information for you.

Your effort in regards to getting this bill out of committee will be greatly appreciated by the Terentiaky family and myself.

Very truly yours,

LESLIE H. HUDSON,
State Representative.

SUSANNE FELLNER

Age, 23.

Father: Franz L. Fellner, killed near Moscow while serving the German Army in 1941.

Mother: Anna M. Fellner, died August 1947.

Brothers: None.

Sisters: None.

Residence: Vienna, Austria.

Susanne Fellner is presently living with her great-uncle at 637 Central Avenue, Pontiac, Mich. Entered this country under B2 classification on September 21, 1953. Arrived on the *Queen Mary*, receiving a permit to stay until March 20, 1954. The permit was stamped by the United States Department of Justice, Immigration Office, New York City, under the file number of VO37196.

The date of expiration has since been extended to September 20, 1954, by the Department of Justice office at 3770 East Jefferson, Detroit 7, Mich., and signed by Harry L. McMahon, acting chief.

Senate bill 3789, by Mr. Ferguson, was introduced in the 83d Congress, 2d session, on July 22 (legislative day, July 2), 1954, for the relief of Susanne Fellner.

H. R. 9892, by Mr. Dondero, was introduced in the 83d Congress, 2d session, on July 13, 1954, for the relief of Susanne Fellner.

September 1954 Mr. Dugan, of the Detroit office, along with Mary King transferred the visitor's status of Susanne Fellner from visitor's to school status, expiring September 3, 1955.

Senate bill 677, by Mr. McNamara, was introduced in the 84th Congress, 1st session, on January 24, 1955, for the relief of Susanne Fellner.

School status canceled February 23, 1955, pending the outcome of Senate bill 677, introduced by Senator McNamara.

Susanne Fellner, now living with William and Gisela Terantiak, great-aunt and great-uncle, at 637 Central Street, Pontiac, Mich. They are 71 and 65 years of age respectively. Mrs. Terantiak is under doctor's care and is unable to work, Susanne would be of tremendous help to these old people and in addition they would provide love and affection to a single girl who has no family left in Austria. Susanne speaks fluent English and is very well educated.

It is my sincere opinion that the request of Susanne Fellner to receive a special quota to remain in this country should be granted. As the State representative from the city of Pontiac, where the girl will live, I endorse any and all efforts to receive this consideration for her. I make this endorsement after thorough investigation of this case.

LESLIE H. HUDSON,
State Representative, Second District,
Oakland County, Mich.

PONTIAC, MICH., *February 1955.*

HON. PATRICK V. MCNAMARA,
United States Senator, State of Michigan.

DEAR MR. MCNAMARA: I William Terentiak, would like to apply for permanent residence papers for my niece Susanne Fellner. Since my wife and I are both elderly and sickly, it would be a comfort to us to have the assistance of our niece in our household. I have enclosed a medical statement from Dr. Charles Tolle to describe our physical condition.

Susanne has learned to love this country during her visit here and since her parents are dead she has no family ties with the old country. I am sure she would make an excellent citizen. I am willing to sign any necessary papers to insure that she will not become a public charge.

With best personal regards,

WILLIAM TERENTIAK.

In view of the fact that the committee is reporting the instant bill favorably, the bill, S. 677, introduced by Senator Patrick V. McNamara, will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 988) should be enacted.

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Calendar No. 603

84TH CONGRESS, 1st Session } SENATE { REPORT No. 598

FRIEDA QUIRING AND TINA QUIRING

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 995]

The Committee on the Judiciary, to which was referred the bill (H. R. 995) for the relief of Frieda Quiring and Tina Quiring, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor children to be adopted by citizens of the United States the status of nonquota immigrants which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiaries of the bill are brother and sister, 15 and 12 years of age, respectively. They presently reside in Paraguay, South America. Their parents became separated in Russia during World War II, and the father has not been heard from since. Their mother followed the German Army into Germany when it retreated before the Russians and she and the children were placed in a refugee camp. The Mennonite Church arranged to move the family to Paraguay, where they took up residence with a distant relative. The mother of the beneficiaries died in 1950, and the distant aunt with whom they reside in unable to provide for them. Mr. and Mrs. Cornelius N. Neufeld, of Tulelake, Calif., wish to adopt the children and bring them to this country. Mr. Neufeld is a veteran of the United States Army and the adoptive parents and the Mennonite Church have been supporting the beneficiaries in part since 1950.

A letter, with attached memorandum, dated October 5, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9401, which was a bill introduced in the 83d Congress for the relief of the same children, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 5, 1954.

Hon. CHAUNCY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9401) for the relief of Frieda Quiring and Tina Quiring, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiaries by the San Francisco, Calif., office, which has custody of that file.

The bill would grant nonquota status by providing that, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Freida Quiring and Tina Quiring, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Cornelius N. Neufeld, citizens of the United States.

As natives of Russia, the beneficiaries would be chargeable to the quota for that country.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING FRIEDA QUIRING AND TINA QUIRING, BENEFICIARIES OF PRIVATE BILL H. R. 9401.

The beneficiaries, Frieda and Tina Quiring, are brother and sister. Both are minors, ages 15 and 12 years, respectively. They reside at Schoenwalde No. 1, Colony Volendam, Paraguay, South America. Information concerning them was furnished by Cornelius N. Neufeld and his wife, Margaret, residents of Tulelake, Calif., and sponsors of the private legislation.

Sponsors state that the beneficiaries' mother and father became separated in Russia during World War II, when their father was either taken into the Russian Army or sent to a Russian concentration camp. He has not been heard of since. Their mother followed the German Army into Germany when it retreated before the Russians, and she and the children were placed in a refugee camp. The Mennonite Brethren Church of North America arranged to move the family to Paraguay, where they took up residence with a distant relative. The Mennonite Church and Mr. and Mrs. Neufeld have been supporting them at least in part. The mother of the beneficiaries died in Paraguay in December 1950. Inasmuch as the distant aunt with whom they reside is without financial means to care for them, the sponsors propose to adopt and care for these two children. Efforts to adopt them in Paraguay have failed, as there is no provision for adoptions in that country.

Sponsors state the beneficiaries are attending grammar school in Paraguay. They have no assets, and no relatives to whom they might go for proper care and financial support.

Sponsors operate a ranch near Tulelake, Calif., and present a letter from the Bank of America at Tulelake, Calif., indicating their assets consist of an 85.6-acre ranch valued at approximately $40,000. Their 1954 farming operating is being financed by the Klamath Production Credit Association on a loan of $3,500.

Sponsors have adopted three children who are natives and citizens of the United States. They have none of their own. Mrs. Neufeld is a native of Russia and was naturalized a citizen of the United States on March 10, 1947, in superior court, Fresno, Calif. Mr. Neufeld is a native of the United States and a veteran, honorably discharged, of the United States Army, having served during the period February 17, 1942, to September 15, 1945.

The Acting Director, Visa Office, Department of State, submitted to the Committee on the Judiciary of the House of Representatives,

the following report dated September 10, 1954, with reference to the case:

DEPARTMENT OF STATE,
Washington, September 10, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of July 13, 1954, and its enclosures, wherein you request a report of the facts in the cases of Frieda Quiring and Tina Quiring, beneficiaries of H. R. 9401, 83d Congress, 2d session.

According to information which was receided from the American Embassy at Asunción, Paraguay, Mr. and Mrs. Cornelius Neufeld desired to adopt the orphaned Ouiring children and thereby obtain a preference for them within the quota under section 203 (a) (4) of the Immigration and Nationality Act. However, as the Embassy had ascertained that Paraguay has no laws governing adoption, it was determined, with the concurrence of the Immigration and Naturalization Service, Department of Justice, that the children could not be found qualified for a preference classification under section 203 (a) (4) of the Immigration and Nationality Act, but would be required to apply for visas under the nonpreference category of the quota for the Union of Soviet Socialist Republics to which the children are chargeable.

At this time, the Department has no information from which it could be ascertained whether the aliens would be qualified in all respects to receive visas.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office
(For the Acting Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 995) should be enacted.

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Calendar No. 604

84TH CONGRESS, 1st Session | SENATE | REPORT No. 599

IRMGARD EMILIE KREPPS

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 997]

The Committee on the Judiciary, to which was referred the bill (H. R. 997) for the relief of Irmgard Emilie Krepps, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the wife of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 35-year-old native and citizen of Germany who is presently residing in that country. She was married to M. Sgt. Gilbert E. Krepps on May 7, 1951, while Sergeant Krepps was stationed in Germany with the United States Air Force. The record discloses that the beneficary was convicted in 1942 for the theft of a coat, for which she was sentenced to 3 months in jail; in 1943 she was arrested on several charges including theft of clothing, fraud and theft, and fraud, for which she was convicted and sentenced to serve 1 year. Without the waiver provided for in the bill, the beneficiary will be unable to join her citizen husband in this country.

A letter, with attached memorandum, dated May 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7414, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

MAY 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7414) for the relief of Irmgard Emilie Krepps, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act and permit the admission to the United States of the beneficiary for permanent residence if found otherwise admissible. It is further provided that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE IRMGARD EMILIE KREPPS, BENEFICIARY OF H. R. 7414

Irmgard Emilie Krepps, nee Kontor, is a native and citizen of Germany who has never lived in the United States and is presently residing at Mittelheimerstrasse 14, III/e, Wiesbaden, Germany. Information concerning her was furnished by her husband, M. Sgt. Gilbert E. Krepps, who is a member of the United States Air Force at Mather Field, Sacramento, Calif. Sergeant and Mrs. Krepps were married at Wiesbaden, Germany, on May 7, 1951.

Mrs. Krepps was born on February 17, 1920, at Duisburg, Hamborn, Germany. She has resided in Germany with the exception of a brief period when she resided in Tripoli, Libya, North Africa, while her husband was stationed there. Neither the beneficiary nor her husband had been previously married, and they have no children. Sergeant Krepps has testified that her parents were killed during an air raid in Germany about 1942. She has no relatives in the United States, but has several aunts and uncles living in Germany.

Sergeant Krepps was born at Norman, Ark., December 23, 1913. He received a high-school education, and on July 19, 1935, he enlisted in the United States Army and subsequently transferred to the United States Air Force. On July 19, 1955, he will have completed 20 years service and will be eligible for retirement, but he plans to continue in the Air Force until he has 30 years' service before retiring. However, he testified that if his wife cannot come to the United States, he will retire as soon as possible and go to Germany to live with her.

Sergeant Krepps testified that his wife has the following criminal record in Germany: In 1942 she stole a coat from a hotel room for which she was arrested, convicted, and sentenced to 3 months in jail; in 1943 she was arrested on several charges, including theft of clothing, fraud and theft, and fraud. She was convicted and sentenced to serve approximately 1 year. He further testified that she applied for an immigration visa in Tripoli and that her application was denied because of her criminal record in Germany.

In addition, the Director of the Visa Office, Department of State, submitted to the Committee on the Judiciary of the House of Representatives the following report dated March 12, 1954, with reference to the case:

DEPARTMENT OF STATE,
Washington, March 12, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to previous correspondence relative to the case of Mrs. Irmgard Emilie Krepps, who is the beneficiary of H. R. 7414, 83d Congress, 2d session.

A communication has now been received from the American consulate general at Frankfurt, which reports that on July 13, 1942, Mrs. Krepps was convicted by the district court at Munich of theft, in violation of section 242 of the German Penal Code, and was sentenced to imprisonment of 3 months and to bear the costs

of the proceedings. The court records show that she stole a fur coat, 5 shirts, 3 to 5 turkish towels, and about 5 tablecloths, representing a total value of RM272.

On March 12, 1943, Mrs. Krepps was convicted by the district court at Landshut of having taken a fur coat valued at about RM1500; of having sold the fur coat and telling the purchaser that she had legally acquired it, thus causing the latter to lose the first installment of RM240; and having through misrepresentation of facts obtained a loan of RM15. These actions constituted theft and fraud in violation of (respectively) section 242 and section 263 of the German Penal Code. She was sentenced to serve 1 year of imprisonment on these counts.

The crimes of theft and fraud have been held to involve moral turpitude within the meaning of section 3 of the act of February 5, 1917, as amended, and are also considered to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which repealed the act of February 5, 1917, and certain other immigration laws. The section last cited renders ineligible to receive visas and excludable from the United States aliens who have been convicted of, or admit having committed, a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Krepps.

At this time the Department has no knowledge of any factor in Mrs. Krepps' case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Krepps from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Directo , Visa Office
(For the Acting Secretary of State).

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 997) should be enacted.

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Calendar No. 605

84TH CONGRESS, 1st Session | SENATE | REPORT No. 600

MEIKO SHIKIBU

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 998]

The Committee on the Judiciary, to which was referred the bill (H. R. 998) for the relief of Meiko Shikibu, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiance of a United States citizen veteran to enter the United States for the purpose of marrying her citizen fiance and that thereafter she may reside in the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 32-year-old native and citizen of Japan who is engaged to marry Earl A. Beach, who is an honorably discharged veteran of our Armed Forces, who met the beneficiary of the bill while serving in Japan. He states that he was unable to complete the necessary arrangements to marry the beneficiary before he was ordered back to the United States.

A letter, with attached memorandum, dated December 31, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 6024, which was a bill introduced in the 83d Congress for the relief of the same alien, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 31, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6024) for the relief of Meiko Shikibu, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill provides that the beneficiary, if otherwise admissible, be admitted to the United States for a temporary period of 3 months provided that she is coming to the United States with the bona fide intention of being married to Earl A. Beach, her fiance. The bill further provides that in the event the marriage between the above-named persons does not occur within 3 months after the entry of the beneficiary, she shall be required to depart from the United States, or failing to depart, she shall be deported in accordance with the provisions of the Immigration and Nationality Act. In the event the marriage between the above-named persons does occur within 3 months after entry, the bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NEIKO SHIKIBU, BENEFICIARY OF H. R. 6024

Information concerning this case was obtained from Earl A. Beach, fiance of the beneficiary, and from the files of this Service.

Mr. Beach testified to the following effect: The beneficiary was born on March 9, 1923, in Tokyo, Japan. She has never been in the United States. She is single, has never been married, and resides with her mother, sister, and brother in Yokosuka, Japan. The beneficiary completed grammar school and attended high school for 2 years. She can speak and read English fluently and is presently attending an English class in typing and writing.

Mr. Beach served on active duty with the United States Navy in Japan from October 1950 to May 1952. He met the beneficiary while on active duty and intended to marry her prior to return to the United States. However, prior to the completion of the clearance necessary to contract such a marriage, he was ordered back to the United States and released from active duty in June 1953 at Treasure Island, Calif. Mr. Beach stated that it is his avowed intention to marry the beneficiary if and when she is admitted to the United States.

Mr. Beach is employed as an iron worker by the Morrison and Knudson Construction Co. of Dorris, Calif. He has personal belongings which he values at $1,200 and approximately $500 in cash.

Since the files of this Service contain no further information concerning the beneficiary, the committee may desire to have an appropriate investigation conducted abroad.

In addition, the following letter dated February 1, 1955, was addressed to the chairman of the Committee on the Judiciary of the House of Representatives in support of the bill:

THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA, INC.,
PARADISE POST, NO. 259,
Paradise, Calif., February 1, 1955.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR SIR: This group of American ex-servicemen would like to ask your aid in the enabling legislation embodied in H. R. 998 of the 1st session, 84th Congress, and which was introduced January 5, 1955, by Representative Clair Engle of the Second District of the State of California.

Mr. Earl Beach of Paradise, Calif., is trying to get this legislation passed to allow one Miss Meiko Shikibu, a Japanese citizen, migrate to this country for the purpose of marrying her. If hurryup orders hadn't interfered he would have married her in Japan and her entrance into this country would have been a fait accompli.

Our comrade, Earl Beach, is a past commander of this post of the American Legion. His belief in the varied programs of this veterans' organization were such that he raised the membership of this unit to an alltime high. We admire and like Earl Beach to the end that we write this letter. We admire him for his Americanism, his I. Q., his services in two wars, and his successful and gainful work in his present occupation.

Earl Beach is no callow youth. He is 51 and a former chief petty officer in the Navy's famous Seabees in World War II and the recent fracas in Korea. Since his last discharge he had following his trade as a structural ironworker of such ability, he never lacks employment.

The 32-year-old girl he wants to marry is a high type woman of Japanese ancestry. Her education and background shows she has mastered the English language to such an extent she was employed in a high capacity with the Chase National Bank in Yokosuka, Japan.

She is the possessor of that promising background that made our forefathers of the various old countries of Europe forsake family and the land of birth to face the unknowns of a new land, a new language * * * like Ruth of the Bible, "Thy land and thy family will be mine."

She would be an asset to this country, a leaven between the centuries old precepts of character of the Orient and America, adding an ingredient to our "melting pot" that will in the future help give this world a better and better philosophy of living.

This sounds like farfetched idealism. But if our Earl Beach was some sort of a rounder, a person to be avoided and unwelcome in our homes, we wouldn't write this. He enjoys our respect and fellowship.

We earnestly and respectfully ask your consideration and help in the passage of H. R. 998, a bill to permit the admission into this country of our unknown potential American, Miss Meiko Shikibu, to become the wife of our Earl Beach, with the firm belief she would be a worthwhile addition to our Nation.

Yours very truly,

LORING G. GOULDEN, *Commander.*
C. R. MCHUGH, *Adjutant.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 998) should be enacted.

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Calendar No. 606

84TH CONGRESS, 1st Session | SENATE | REPORT No. 601

MELINA BONTON

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1028]

The Committee on the Judiciary, to which was referred the bill (H. R. 1028) for the relief of Melina Bonton, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Melina Bonton. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 49-year-old native of Turkey, who claims to be stateless at the present time, and who last entered the United States on June 14, 1950, as a visitor. She first entered the United States as a visitor in December 1948 and departed in July 1949. Her last foreign residence was in France. The beneficiary has two daughters who are naturalized citizens of the United States who are willing and able to support the beneficiary if it becomes necessary. The beneficiary's first husband died in 1944. On August 20, 1950, she married a citizen of the United States and was divorced on December 12, 1951. She is presently employed as a seamstress and is well regarded in the community in which she resides.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8890, which was a bill intro-

duced in the 83d Congress for the relief of the same beneficiary, reads as follows:

AUGUST 3, 1954.

Hon. CHAURNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8890) for the relief of Melina Bonton, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has cutody of those files.

The bill would grant this alien permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate quota.

The alien is chargeable to the quota of Turkey.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MELINA BONTON, BENEFICIARY OF H. R. 8890

Melina Bonton, also known as Melina Papazian nee Dogramadjian and Melia Bonton, who claims to be stateless, was born at Ismidt, Turkey, on February 4, 1906, and was last a citizen of Turkey. Her last foreign residence was France. She first entered the United States as a visitor for pleasure at New York in December 1948, visited her two daughters in the area of Los Angeles, Calif., and returned to France in July 1949. She last entered the United States at New York on June 14, 1950, being admitted as a visitor for pleasure under section 3 (2) of the Immigration Act of 1924 until December 13, 1950, again visiting her two daughters in the area of Los Angeles, Calif. She failed to depart from the United States within the authorized period of admission, and deportation proceedings were instituted against her on January 5, 1951. After a hearing, she was granted the privilege of departing voluntarily from the United States in lieu of deportation. She failed to avail herself of such privilege within the allotted period and on September 29, 1952, was ordered deported from the United States. The deportation order was appealed and an application for voluntary departure and preexamination was submitted. On December 1, 1953, the Board of Immigration Appeals denied her the privilege of preexamination, and ordered that the deportation order be withdrawn with the stipulation that the alien be allowed to depart voluntarily from the United States, and that should she fail to so depart, the order of deportation be reinstated and executed. A warrant of deportation has not yet been issued and the alien has been released on conditional parole.

The beneficiary testified that in about 1907, she was placed in a Catholic convent in Istanbul, Turkey, where she remained until about 1921; that she married her first husband, Vahram Papazian, a native of Turkey, during 1922 while in Turkey; that she and her husband shortly thereafter went to live with her mother in Marseille, France, where she continued to reside until she last entered the United States in June 1950. She stated that she received no formal education other than that at the convent in Istanbul, Turkey. The alien claims to have been supported by her first husband from about 1922 until his death in 1944, and subsequently, by funds left her by that husband, augmented by earnings of her two daughters and her own part-time work as a seamstress in Marseille, France. The issue of this first marriage was two daughters, Jacqueline and Georgette Papazian. During the early part of her stay in the United States, she was supported entirely by her two daughters, and later by her second husband, Clyde Bonton, a native-born United States citizen, whom she married in Las Vegas, Nev., on August 20, 1950. She divorced Mr. Bonton in Nevada on December 12, 1951, and was thereafter supported by her two daughters until she accepted employment in October 1952 at the California Sportswear Co., 39 South Santa Anita, Pasadena, Calif. She is presently employed there as a seamstress, earning an average of $30 weekly. The alien has no financial encumbrances and her total assets amount to about $600 cash.

The beneficiary's daughter Jacqueline (Jackie) Vautherine, born in Turkey on May 11, 1923, is a naturalized citizen of the United States, Certificate No. 6929779, and resides at 956 Lewiston, Duarte, Calif. The alien's second daughter, Georgette Griegorian, was born in France on July 31, 1925, is a naturalized citizen

of the United States, Certificate No. 6932989, and lives with the beneficiary at 2081 Corson Street, Pasadena, Calif. The alien has a sister-in-law, Elsie Papazian, living at 31 Rue Dominicaines, Marseille, France. The beneficiary is unmarried, has no dependents, and claims to have no other living relatives.

Congressman Patrick J. Hillings, the author of the bill, submitted the following letter in support of the bill:

ARMAND CHENIER,
ATTORNEY AT LAW,
Los Angeles, March 25, 1954.

In re Melina or Melie Bonton, nee Dogramadjian or Melina or Melie Papazian.
Immigration file: E–47198–Los Angeles (1600/74103)

Hon. PATRICK HILLINGS,
Representative, California 25th District,
House Office Building, Washington, D. C.

HONORABLE SIR: I respectfully submit, for your kind consideration, the request that you present a private bill in Congress to adjust the immigration status in this country to that of permanent resident, and to prevent the deportation of, Mrs. Melie Bonton.

Mrs. Bonton is an alien born in Turkey on February 4, 1906, of Armenian parentage. While still living in Turkey, she was married, hence the name Papazian, and there are two daughters the issue of said marriage.

In 1922, Mrs. Bonton, her husband and two daughters fled to France in order to escape the Turkish massacre, using a Nansen passport as travel document.

While in France, during World War II, her husband, Mr. Papazian was killed in Marseilles while the city was being bombed by the enemy.

Subsequently, her two daughters came to the United States and established permanent residence.

Mrs. Bonton came to this country to visit with her daughters arriving in New York on June 14, 1950, with a visitor's visa expiring December 13, 1950.

After her arrival, she met and married on August 20, 1950, Mr. Clyde Bonton, a United States citizen. This marriage, however, was terminated by her in divorce proceedings. The Immigration and Naturalization Service has granted her extensions of stay and the privilege of voluntary departure. She has now been granted until April 15, 1954, to effect her departure.

Mrs. Bonton now finds that she is stateless. She has no country to which she can go.

She cannot return to Turkey by reason of her absence of over 30 years. Then, too, she cannot now be admitted under section 203 (a) of the Immigration and Nationality Act of 1952, in that the Turkish quota is oversubscribed. She applied for, but has been refused, a visa to France. She is therefore in a very precarious situation and faces many very serious hardships and economic detriments.

Mrs. Bonton is considered in the community to be a very fine and intelligent person of friendly and sincere disposition. She has made an excellent adjustment to the American way of life and is spoken of very highly by her acquaintances. She is an active member of her church and there is every reason to believe that if permitted to remain in the United States she will become a good and loyal American citizen. She is capable of supporting herself and her two daughters, who are both very fond of their mother, are both in very comfortable financial circumstances and are willing and able to support her if it should become necessary.

One daughter, Mrs. Jacqueline Vautherine, resides at 956 Lewiston Street, Duarte, Calif. She was naturalized in Los Angeles on November 23, 1951.

The other, also married, Mrs. Georgette Griegorian, resides at 2081 Corson Street, Pasadena, Calif. She was naturalized in Los Angeles on June 27, 1952.

Since Mrs. Bonton is instructed to depart by April 15, 1954, may I further request that the Immigration Office in Los Angeles be notified as soon as possible in regard to this application with a view to hold in abeyance temporarily any proceedings relating to her deportation.

Most respectfully yours,

ARMAND CHENIER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1028) should be enacted.

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Calendar No. 607

84TH CONGRESS, 1st Session | SENATE | REPORT No. 602

ARMENOUHI ASSADOUR ARTINIAN

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1047]

The Committee on the Judiciary, to which was referred the bill (H. R. 1047) for the relief of Armenouhi Assadour Artinian, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Armenouhi Assadour Artinian. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 54-year-old native and citizen of Egypt, who last entered the United States on June 11, 1952, as a visitor. The beneficiary is a widow and resides with her daughter and son-in-law, who are legal residents of the United States. Her son-in-law is a doctor and states that he is willing and able to care for the beneficiary, who also has sufficient assets to maintain herself, should this ever become necessary. In addition to her daughter and son-in-law, the beneficiary also has a brother who is a naturalized citizen of the United States.

A letter, with attached memorandum, dated June 9, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 7831, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7831) for the relief of Armenouhi Assadour Artinian, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Spokane, Wash., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant the beneficiary would be chargeable to the quota of Egypt.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ARMENOUHI ASSADOUR ARTINIAN, BENEFICIARY OF H. R. 7831

Mrs. Artinian, a citizen of Egypt, was born in Cairo, Egypt, on February 13, 1901. She is a widow. Her last residence abroad was in Cairo, Egypt. She entered the United States at Philadelphia, Pa., on June 11, 1952, and was admitted as a visitor for pleasure for a period of 6 months. She subsequently received extensions of stay, the last of which expired on April 1, 1954. She is presently in the United States without legal status.

Mrs. Artinian worked as a dressmaker in Egypt but has not been employed in the United States. She is presently living with her only child, Mrs. Aram Ketchian of Grandview, Wash., whose husband, Dr. Aram Ketchian, is the sponsor of this bill. Mrs. Artinian has a brother, Charles Dadourian, residing in Chicago, Ill., and one sister residing in Egypt. She has no other relatives. Her brother is a citizen of the United States. Although living with and supported by her son-in-law, Dr. Ketchian, beneficiary has about $8,000 in cash in the United States and has property in Egypt valued at approximately 3,500 pounds sterling.

Dr. A. Ketchian, sponsor, is a citizen of Egypt and a legal resident of the United States, having been admitted to the United States for permanent residence at New York, N. Y., on October 28, 1951. Mrs. Ketchian, daughter of beneficiary, is also a citizen of Egypt and a legal resident of the United States, having been admitted for permanent residence at Philadelphia, Pa., June 11, 1952.

Mrs. Artinian is not a political or religious refugee. A petition to establish quota preference for her was filed by her brother, Charles Dadourian, and approved by this Service. She has made application for a quota visa at the American consulate, Vancouver, British Columbia.

The sponsor, Dr. A. Ketchian, is a physician and surgeon in Grandview, Wash., and guarantees full support and care of the beneficiary. He lists his income at approximately $30,000 per year and assets of approximately $60,000.

Congressman Hal Holmes, the author of the bill, submitted the following affidavits in support of the bill:

GRANDVIEW, WASH., *November 3, 1953.*

To Whom It May Concern:

This is to certify that I, Dr. Aram G. Ketchian, born in Cairo, Egypt, February 7, 1912, who came to this country October 28, 1951, as a legally admitted alien and a duly licensed physician and surgeon in the State of Washington. My home address is 607 Hillcrest Avenue. My business address is Grandview Clinic, Box 555, Grandview, Wash. I do hereby willingly and knowingly give this affidavit of support to my mother-in-law, Mrs. Armenouhi A. Artinian, who now resides at my home, 607 Hillcrest Avenue, Grandview, Wash.

My possessions in the United States of America in savings accounts amount to $18,000, of which $10,000 is in the Old National Bank of Spokane, Grandview branch, and $8,000 is in Seattle First National Bank, Seaboard branch.

In addition, all my household furniture and appliances, roughly evaluated at $3,000 is entirely paid for and free of any encumbrance.

I also am half owner of Grandview Clinic entirely paid for and free of any encumbrance. My half share of Grandview Clinic was paid for by me in the form of $8,750.

In addition, I keep a private checking account running into the 4 figures and a Grandview Clinic checking account of which half is mine also running into the 4 figures. I also own as my personal property jewelry, paintings, and other works of art which though probably running into the middle four figures but which I at this time do not care to have estimated, and are put down here only as a matter of record. My present earnings amount to above $15,000 a year.

This affidavit is given with the understanding that it is all inclusive for the support of Mrs. Armenouhi A. Atentian such that she at no time will become a public charge. I have four dependents counting myself and have not given an affidavit of support to anyone else prior to this date.

ARAM G. KETCHIAN, M. D.

On this day personally appeared before me A. G. Ketchian, M. D., to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 4th day of November 1953.

[SEAL] FRANK D. GANO,
Notary Public in and for the State of Washington.

GRANDVIEW, WASH., *August 10, 1953.*

I, Armenouhi Artinian, herewith depose and say:

1. That my maiden name was Armenouhi Asadour Dadourian. That of father's name was Asadour Dadourian and mother's Paranzem Dadourian.

2. That I was born in Cairo, Egypt, on the 13th day of February 1901.

3. That I submit this sworn affidavit to state that I did not possess any birth certificate because back in 1901 it was not customary to have such registration in Egypt.

4. That at present I hold my Egyptian passport No. 97257 issued in Cairo, Egypt, on March 5, 1952.

5. I further state that Charles Megerditch Dadourian, who resides at 10944 Michigan Avenue, Chicago, Ill., is my brother.

ARMENOUHI A. ARTINIAN.

STATE OF WASHINGTON:

Subscribed and sworn to before me, a notary public in and for said county and State this 10th day of August 1953.

[SEAL] R. C. HAMILTON.

My commission expires August 10, 1956.

STATE OF ILLINOIS,
County of Cook, ss:

I, Charles Megerditch Dadourian, having my residence at 10944 South Michigan Avenue, Chicago, Ill., do hereby depose and state that I am a naturalized citizen of the United States, holding certificate No. 4336639 issued by the Northern District of Illinois District Court on December 7, 1937.

I further state that I am the genuine brother of Armenouhi Assador Artinian who was born in Cairo, Egypt, on 13th of February 1901. I further state that, to reinforce and further prove my blood relationship as brother and sister I am submitting herein 2 separate sworn affidavits by 2 American citizens.

I further state that our father's name was Assador Dadourian and that our mother's name was Parantzem Dadourian. Both of our parents are deceased.

CHARLES MEGERDITCH DADOURIAN.

Subscribed and sworn to before me this 6th day of October 1953.

[SEAL] ALBERT CHAPMAN, *Notary Public.*

My commission expires on May 4, 1955.

AFFIDAVIT

STATE OF ILLINOIS,
County of Cook, ss:

Parsegh B. Kanlian, being first duly sworn on oath, deposes and says that he resides at 414 South Stone Avenue, La Grange, Ill., and he is a naturalized citzen of the United States of America by certificate of naturalization issued by the district court of the United States at Chicago, Ill., on January 17, 1921, as per certificate thereof to be found in the office of said court as No. 1452592.

Affiant further deposes and says that he is well familiar with Armenouhi Assador Artinian, presently residing at 607 Hillcrest Drive, Grandview, Wash., and Charles Megerditch Dadourian, of 10944 South Michigan Avenue, Chicago, Ill., the latter a citizen of the United States of America and brother of the aforenamed Armenouhi Assador Artinian, having known said named individuals for more than 40 years last past genuinely to be brother and sister.

Affiant further deposes and says that he is well familiar with Assador Dadourian and Parantzem Dadourian, presently deceased, who were the parents of Armenouhi Assador Artinian and Charles Megerditch Dadourian.

PARSEGH B. KANLIAN, M. D.

Subscribed and sworn to before me this 6th day of October 1953:

[SEAL] ALBERT H. CHAPMAN, *Notary Public.*

My commission expires on May 24, 1955.

AFFIDAVIT

STATE OF ILLINOIS,
County of Cook, ss:

Samuel Derderian, being first duly sworn on oath, deposes and says that he resides at 8001 South Morgan Street, Chicago, Ill., and that he is a citizen of the United States of America by certificate of naturalization issued by the district court of the United States at Chicago, Ill., on February 17, 1927, as per certificate thereof to be found in the office of said court as No. 2410032 in volume 204, No. 26323.

Affiant further deposes and says that he is well familiar with Armenouhi Assador Artinian, presently residing at 607 Hillcrest Drive, Grandview, Wash., and Charles Megerditch Dadourian, of 10944 South Michigan Avenue, Chicago, Ill., the latter a citizen of the United States of America and brother of the aforenamed Armenouhi Assador Artinian, having known said named individuals for more than 22 years last past genuinely to be brother and sister.

Further affiant saith not.

SAMUEL DERDERIAN.

Subscribed and sworn to before me this 5th day of October, 1953:

[SEAL] LESLIE A. KOHN, *Notary Public.*

My commission expires on April 6, 1955.

CITY OF GRANDVIEW,
Grandview, Wash., September 29, 1953.

To Whom It May Concern:

This is to certify that Mrs. Armenouhi A. Artinian is a good dressmaker who to the best of our knowledge has not worked since her entry into this country on June 11, 1952.

She is capable of gainful employment or could also be self-employed if she so desired.

GRANDVIEW, WASH., POLICE DEPARTMENT,
F. T. WOLFE, *Chief.*

CITY OF GRANDVIEW,
Grandview, Wash., November 10, 1953.

Re Armenouhi A. Artinian, age 52, of Grandview, Wash.

UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE:

We are informed the above subject entered the United States in June 1952 and has been living in Grandview, Wash., for some time.

Mrs. Artinian has been living with her relatives in Grandview, and we can recommend her as a very quiet and orderly person since coming to Grandview.

On September 30, 1953, I fingerprinted Mrs. Artinian and sent a copy with her description and all other necessary information to the chief of police, Department of Security, Ministry of Interior, Cairo, Egypt, with a request for any information in their files on this subject. I marked this inquiry "Urgent," but to date have not received a reply. The above inquiry was sent airmail and special delivery.

Respectfully,

ERNEST H. EVANS,
Assistant Chief of Police, Grandview, Wash.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1047) should be enacted.

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Calendar No. 608

84TH CONGRESS, 1st Session | SENATE | REPORT No. 603

ROBERT SHEN-YEN HOU-MING LIEU

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1083]

The Committee on the Judiciary, to which was referred the bill (H. R. 1083) for the relief of Robert Shen-Yen Hou-Ming Lieu, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Robert Shen-Yen Hou-Ming Lieu. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native and citizen of China, who last entered the United States on September 10, 1950, as the son of an accredited official of the Chinese National Government. He first entered the United States on December 23, 1948, also as the son of an accredited official. His parents and a brother and sister are now lawful permanent residents of the United States, having been adjusted under section 4 of the Displaced Persons Act. The beneficiary's application for an adjustment under section 4 was not approved by the Congress because of certain statements concerning his willingness to serve in the Armed Forces. However, the beneficiary states that his remarks were misunderstood and that he would be glad to serve in our Armed Forces if called upon to do so.

A letter, with attached memorandum, dated November 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and

Naturalization with reference to H. R. 10206, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

NOVEMBER 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10206) for the relief of Robert Shen-Yen Hou Ming Lieu, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Chinese.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROBERT SHEN-YEN HOU MING LIEU, BENEFICIARY OF H. R. 10206

The beneficiary, Robert Shen-Yen Hou Ming Lieu, a native and citizen of China, was born March 18, 1925. He first entered the United States at Anchorage, Alaska, on December 23, 1948, as the son of an accredited official of the Chinese National Government. He last entered the United States at Niagara Falls, N. Y., on September 10, 1950, at which time he was similarly admitted. The beneficiary testified that his application under the Displaced Persons Act of 1948 had been denied. The beneficiary's mother, father, brother, and sister are applicants for adjustment of status under the Displaced Persons Act of 1948 and their cases are presently pending before Congress.

The beneficiary testified that he attended primary and high school in China for 11 years. He attended Chungking University for 4 years where he received a bachelor of arts degree. He also attended the American University in Washington, D. C., during 1950 and 1951. He is unmarried. He resides with his family in Queens, N. Y. His only relation abroad is an aunt who resides in Shanghai, China.

The beneficiary testified that his assets consist of $200 in the National City Bank of New York and personal effects valued at $500. He has been employed since December 1952 as a clerk by the National City Bank of New York at a salary of $54 a week.

Congressman Walter H. Judd, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following statement by the beneficiary of the bill:

MIDDLE VILLAGE, QUEENS, N. Y.,
July 24, 1954.

CHAIRMAN, JUDICIARY COMMITTEE,
House of Representatives, Washington, D. C.

DEAR SIR: I understand that your committee deleted my name from the list of applicants for permanent resident status in House Concurrent Resolution 227, because you thought that, at the hearing of the Immigration and Naturalization Service on August 3, 1953, I did not show sufficient interest in the welfare of this country.

I have looked over the report of the Service, and I think you had in mind the following words:

"He (referring to me) testifies he has never served in the armed services of any country, does not know whether he is willing to do so, and if called upon to serve in the United States Army would feel compelled to consider the matter before doing so."

As I was over 26 at the time of the hearing, and was not required to register under the Selective Service Act of 1948, I thought the questions concerning military service were hypothetical, and were intended to test my knowledge of the

United States laws and institutions, and my attitude toward military service in other countries. In my replies I meant to convey the idea that I doubted if the United States Government would call upon me to serve in the Armed Forces, and I did not know whether I would be willing to serve in that of any country, as it depended on which country it would be. I certainly did not use such strong expressions as "would feel compelled to consider the matter before doing so."

Unfortunately, my answers were brief, and probably failed to make my meaning clear. In the paraphrasing of the questions and answers by the Service secretaries, there was apparently some misunderstanding of my position.

Another inaccuracy of the report may be seen in the date of my father's attendance at the Imperial University in Peiping, China. He stated he was there from 1909 to 1910, but the report gave the date as 1911–14. Now the Manchu imperial regime was overthrown by the revolution of 1911, and there was no more an Imperial University after that date. Besides, as shown in the second line on page 2, which is in the same paragraph, he was shown as studying in this country from 1911 to 1915, which was correct. As the Service had a large number of cases like ours, there were apt to be such mistakes.

Since your committee considers this matter as important, I wish to state very solemnly to you that I have a strong interest in the welfare of this country, and would be glad to serve in the United States Armed Forces if called upon to do so. As I have now learned that, at my present age, I may still be drafted into the armed services, my present statement is therefore not based on hypothetical assumptions.

I hope you will kindly reconsider my case, approve my application, and add my name to Resolution 227 or some other resolution of a simliar nature.

Respectfully yours,

ROBERT SHEN-YEN HOU-MING LIEU.

P. S.—My voice was low, and the girl who kept record of the hearing with a stenotype machine sat some distance away from me. While we were shown our original applications, and were told to read over carefully and sign them, we did not see the record of questions and answers until it was in the final form as submitted to Congress. Hence we did not have a chance to correct the inaccuracies mentioned in this letter.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1083) should be enacted.

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Calendar No. 609

84TH CONGRESS, 1st Session | SENATE | REPORT No. 604

MILAD S. ISAAC

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1157]

The Committee on the Judiciary, to which was referred the bill (H. R. 1157) for the relief of Milad S. Isaac, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Milad S. Isaac. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Syria, who last entered the United States on August 30, 1951, as a student. He abandoned his studies after 4 months and volunteered for service in the United States Army. He served from January 30 1952, to January 7, 1954, when he was honorably discharged. The mother of the beneficiary was born in the United States but lost her citizenship by marriage to an alien in 1918. However, both parents are now lawful resident aliens. The beneficiary also has 1 sister and 1 brother residing in the United States who are citizens of this country. He is not eligible for naturalization under the provisions of Public Law 86, 83d Congress, inasmuch as he was not physically present in the United States for a period of 1 year prior to entering the Armed Forces.

A letter, with attached memorandum, dated July 7, 1954, to the then chairman of the Committee on the Judiciary of the House of

Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 8677, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

JULY 7, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8677) for the relief of Milad S. Isaac, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa. office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Syria.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MILAD S. ISAAC, BENEFICIARY OF H. R. 8677

Milad S. Isaac, a Syrian subject, was born on December 25, 1932, in Omar El Hosn, Syria. He was admitted to the United States at New York, N. Y., on August 30, 1951, temporarily as a student for 1 year. He left the University of Detroit after attending for 4 months. He then obtained employment for about 6 weeks and volunteered for service in the United States Army. He served in the United States Army from January 30, 1952, to January 7, 1954, when he was honorably discharged. He has no intention of resuming his studies at this time. He was offered the privilege of departing voluntarily from the United States in lieu of deportation proceedings, but declined to accept that privilege. Deportation proceedings were instituted on February 5, 1954, on the ground that he was an immigrant not in possession of a valid immigration visa.

Mr. Isaac completed high school in Syria. He stated it has always been his ambition to reside in the United States. Before entering the United States, he was advised by the American consul in Beirut that he could not obtain an immigrant visa. Therefore, he secured a student's visa although it was his intention at that time to remain in the United States permanently. He has stated his purpose in volunteering for military service was to enhance his chances of remaining in the United States. Although he is now eligible for 4 years' schooling at Government expense under the GI bill of rights, he has not accepted that offer giving as his reason the fact that he must work as he needs the money.

Mr. Isaac is single. His mother, who was born in the United States, lost her United States citizenship by marriage to an alien in 1918. Both parents are now lawful resident aliens. He also has 1 sister and 1 brother living in the United States who are United States citizens and 2 sisters, subjects of Syria, now residing in Syria. He recently obtained employment as a machine operator at the rate of 75 cents an hour. He has no assets of any kind.

Congressman Karl C. King, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter in connection with the case:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Philadelphia, Pa., February 16, 1954.

Hon. KARL C. KING,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN KING: This is in reply to your letter of February 12, 1954, regarding Mr. Milad S. Isaac, 621 North Sixth Street, Allentown, Pa.

Mr. Isaac was admitted into the United States on August 30, 1951, as a student solely for the purpose of pursuing a definite course of study at the University of Michigan. As a condition precedent to his admission he furnished a bond in the sum of $500 guaranteeing that he would depart from the United States at the

expiration of his authorized stay or upon failure to maintain the status under which he was admitted, whichever occurred first. He not only violated the conditions of that admission but stated that it was his real intention to enter the United States to remain and work and obtained a student visa because he knew he could not get an immigrant visa. He stated that after he attended the University of Michigan for about 4½ months he left the university for employment until he joined the United States Army on January 30, 1952. He stated further that although he qualifies for educational benefits by reason of his Army service his intention at the present time is to work as he needs the money.

The evidence established a prima facie case for deportation and Mr. Isaac was made the subject of deportation proceedings on February 5, 1954. He was released immediately on conditional parole. Mr. Isaac has been offered the privilege of departing from the United States voluntarily, in lieu of deportation, without further proceedings. He declined that offer, as a result of which the case will be calendared for hearing in the near future.

As requested, there is herewith returned Mr. Isaac's letter of February 9, 1954, which contains substantially the same information he gave us regarding his background. As to the matter of naturalization, the fact that he has not been physically present within the United States for a single period of 1 year at the time of entering the Armed Forces, in itself, disqualifies him from the benefits of Public Law 86, 83d Congress.

Very truly yours,

KARL I. ZIMMERMAN, *District Director.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1157) should be enacted.

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Calendar No. 610

84TH CONGRESS, 1st Session | SENATE | REPORT No. 605

EMANUEL FRANGESKOS

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1158]

The Committee on the Judiciary, to which was referred the bill (H. R. 1158) for the relief of Emanuel Frangeskos, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Emanuel Frangeskos. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native of Egypt and subject of Greece, who last entered the United States on June 3, 1950, as a seaman. The beneficiary was inducted into the United States Army on December 13, 1950, and served until September 12, 1953, when he was honorably discharged with the rank of sergeant. He is not eligible for naturalization under the provisions of Public Law 86, 83d Congress inasmuch as he was not physically present in the United States for a period of 1 year prior to entering the Armed Forces.

A letter, with attached memorandum, dated December 14, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 10225, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., December 14, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10225) for the relief of Emanuel Frangeskos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Egypt.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EMANUEL FRANGESKOS, BENEFICIARY OF H. R. 10225,

Emanuel Frangeskos, a Greek subject, was born in Port Said, Egypt, on June 3, 1927. He acquired Greek nationality through his parents. From the time of his birth until 1950, he lived in Port Said. He was admitted to the United States as a seaman on June 3, 1950, at Newport News, Va. He stated it was his intention at the time of arrival to remain in the United States. Deportation proceedings have been instituted and he has been found to be deportable from the United States on the ground that at the time of entry he was an immigrant not in possession of an immigration visa. He has been granted the privilege of departing voluntarily from the United States, but to date has not availed himself of that privilege. A warrant of deportation is outstanding in his case.

Mr. Frangeskos attended school in Egypt for 12 years. He is now the manager of a store and earns $40 a week. He has no assets. The beneficiary is single and his closest relatives in the United States are two cousins. His parents, two brothers, and one sister reside in Port Said, Egypt.

Mr. Frangeskos was inducted into the United States Army on December 13, 1950, and served therein until he was honorably discharged on September 12, 1953. He attained the rank of sergeant. He is not eligible for naturalization under Public Law 86, as he did not reside in the United States for 1 year before entering the Armed Forces.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1158) should be enacted.

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Calendar No. 611

84TH CONGRESS, 1st Session | SENATE | REPORT No. 606

CYNTHIA JACOB

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1205]

The Committee on the Judiciary, to which was referred the bill (H. R. 1205) for the relief of Cynthia Jacob, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Cynthia Jacob. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native and citizen of India, who last entered the United States on August 30, 1948, as a student. She had previously been admitted to the United States as a student on August 25, 1946, until August 30, 1948. Her parents, who were born in India, are both dead. The beneficiary attended the University of Southern California and received her bachelor of science degree in education. In addition, she has completed most of the work on her master's degree. If the beneficiary is granted permanent residence, she will be able to receive a teaching credential for the State of California and be eligible to take the examination for the position of elementary school teacher. It is stated that the need for elementary school teachers in California is acute.

A letter, with attached memorandum, dated November 3, 1953, to the then chairman of the Committee on the Judiciary of the House of

Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 3753, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

NOVEMBER 3, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3753) for the relief of Cynthia Jacob, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States as of the date of the enactment of this act, upon payment of the required visa fee. It also would direct that one number be deducted from the appropriate immigration quota.

The quota of India, to which the alien is chargeable, is oversubscribed for nonpreference applicants.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CYNTHIA JACOB, BENEFICIARY OF H. R. 3753

Cynthia Jacob, a native and citizen of India, was born on May 20, 1924. She last entered the United States at Eastport, Idaho, on August 30, 1948, when she was admitted as a student until August 24, 1949. She received several extensions of her stay, the last of which expired on May 4, 1953. She had previously been admitted to the United States at the port of San Francisco, as a student, on August 25, 1946, until August 30, 1948.

Miss Jacob testified that her father, Jonah Jacob, was born in Calcutta, India, and that he died there in December 1939. Her mother, Rose Koder, whose citizenship she presumed to be British, also died in Calcutta, India, in September 1934. She has a brother, David Jacob, 26 years of age, who resides in Calcutta, India.

Miss Jacob states that she has been attending the University of Southern California since the fall of 1946, and has received the degree of B. S. in education. She anticipated receiving a master's degree in education in May 1953. Since coming to the United States she has been employed as a secretarial assistant and child-guidance worker. She was last employed without authorization in alleged practical training as an educational assistant by the New York Life Insurance Co. in Los Angeles, Calif., from May 19, 1952, to about December 1952.

Congressman Gordon L. McDonough, the author of the bill, submitted to a subcommittee of the Committee on the Judiciary of the House of Representatives the following letters in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 15, 1955.

Hon. FRANCIS E. WALTER, M. C.,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR TAD: Enclosed herewith you will find the information you requested when H. R. 1205, the bill for the relief of Cynthia Jacob, was heard by your subcommittee.

Under California law she cannot receive a certificate for teaching in the public schools until she has become a permanent resident. However, she is fully qualified to teach in the public schools as indicated in the enclosed letter from Robert W. Lamson, coordinator of the personnel division of the Los Angeles City Board of Education, and also the letter from Elmer E. Wagner, assistant dean of the School of Education of the University of Southern California.

I trust that this will be sufficient for the subcommittee to approve the bill for the relief of Miss Jacob.

Sincerely,

GORDON L. MCDONOUGH, M. C.,
15th District California.

LOS ANGELES CITY BOARD OF EDUCATION,
Los Angeles, Calif., March 8, 1955.

Hon. GORDON L. MCDONOUGH,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MCDONOUGH: At the request of Miss Cynthia Jacob, we would like to present the following information:

Miss Cynthia Jacob, a graduate of the University of Southern California, is interested in becoming a teacher in our Los Angeles city schools. We select our teachers on the basis of their having successfully passed a written examination in addition to other evaluations. Before taking our examinations, applicants must have completed all requirements (including citizenship requirement) for the particular California teaching credential required for the teaching position under consideration.

According to information received from the University of Southern California, Miss Cynthia Jacob has completed all requirements for the California general elementary-teaching credential and will receive the institutional recommendation for that credential at such time when H. R. 1205 has been approved.

We have a great need for good elementary school teachers in our city. Miss Jacobs, being a very attractive young lady with a good university record, seems to be a good candidate for a teaching position.

When H. R. 1205 has been approved, providing it meets the State requirements for action on citizenship, and when the State has given Miss Jacobs her teaching credential, she will be eligible to take our examination for the position of elementary teacher.

We trust that the above information will be of some assistance to you and Miss Jacobs. In the temporary absence of Mr. Bruce A. Findlay, this matter is being handled by the personnel division.

Sincerely yours,

ROBERT W. LAMSON,
Coordinator, Personnel Division.

LOS ANGELES, CALIF., *March 8, 1955.*

Hon. GORDON L. MCDONOUGH,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MCDONOUGH: Pursuant to my letter of March 7, 1955, I went to the University of Southern California and obtained a letter from Dr. Elmer E. Wagner, assistant dean of the School of Education, which I am enclosing herewith. Dr. Wagner also wrote a letter to Mr. Bruce Findlay, associate superintendent of Los Angeles city schools, who requested that I bring him information from the university regarding my qualifications.

I then called Mr. Findlay's office for an appointment and was informed that shortly after I spoke to him, Mr. Findlay received a telephone message saying that his mother had died suddenly. He left the office and was not expected to come in for the next few days. I was then advised to make an appointment to see Mr. William Brown of the personnel division.

I was told to come in today but since Mr. Brown was attending a meeting, Mr. Lamson, coordinator, personnel division, interviewed me and wrote the enclosed letter, which he addressed to you.

Both Dr. Wagner and Mr. Lamson explained to me that the State of California issues teaching credentials to those who are academically qualified and who must either be citizens or show proof of intent for citizenship. The university will be able to forward their recommendation of my qualifications for a teaching credential to State of California Education Department, when private bill H. R. 1205, introduced for my relief, is approved. This credential will permit me to teach in the State of California, and also qualify me to take the necessary examinations for teaching in the Los Angeles city schools.

I trust that the enclosed letters contain the information desired by the committee and if there is anything further they desire, I shall be happy to cooperate in obtaining the necessary information.

I wish to thank you again, Congressman McDonough, for your generous assistance with my problem, and hope to receive favorable news from you soon regarding the approval of the bill.

Respectfully yours,

CYNTHIA JACOB.

UNIVERSITY OF SOUTHERN CALIFORNIA,
Los Angeles, March 7, 1955.

Hon. GORDON L. MCDONOUGH,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MCDONOUGH: Miss Cynthia Jacobs has completed all requirements for the California general elementary teaching credential at the University of Southern California and she will receive the institutional recommendation for the above credential at such a time when H. R. 1205 has been approved.

The above credential would permit Miss Jacobs to teach in the public elementary schools of California. The present need for elementary schoolteachers in California is acute and Miss Jacobs could not qualify to teach under any circumstances unless she was granted the credential.

Miss Jacobs has completed all requirements for the degree master of science of education with the exception of her master's project, which is a factor in her favor in attempting to obtain a teaching position.

Very sincerely,

ELMER E. WAGNER,
Assistant Dean, School of Education.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1205) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 607

MISS TOSHIKO HOZAKA AND HER CHILD, ROGER

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1299]

The Committee on the Judiciary, to which was referred the bill (H. R. 1299) for the relief of Miss Toshiko Hozaka and her child, Roger, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiance of a United States citizen member of our Armed Forces and her child to enter the United States for the purpose of marrying her citizen fiance and to thereafter reside in the United States.

STATEMENT OF FACTS

The beneficiaries of the bill are a 22-year-old mother who is a native and citizen of Japan and her 2-year-old son. They have never been in the United States. The mother has never been married and her fiance acknowledges the child as being his although available records list the father as unknown. The beneficiary's fiance has attempted to be reassigned for service in Japan in order to marry his fiance, but his efforts have been unsuccessful. The sponsor has no knowledge of the beneficiary's employment or education. He has been contributing toward the support of the beneficiaries.

A letter, with attached memorandum, dated December 17, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 10143 which was a bill

pending in the 83d Congress for the relief of the same beneficiaries reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 17, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10143) for the relief of Miss Toshiko Hozaka, the fiance of Normand Bessette, and her child, Roger, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files by the Providence, R. I., office of this Service, which has custody of those files. According to the records of this Service, the Japanese document relating to the birth of Toshiko Hozaka, and her son fails to show that her son has been named, but the child is known as Roger.

The bill would provide that the aliens shall be eligible for nonimmigrant visas as temporary visitors to the United States for a period of 3 months in order that Miss Toshiko Hozaka may marry her fiance, Normand Bessette, a citizen of the United States, provided it is found that the alien, Toshiko Hozaka, is coming to the United States with the bona fide intention of being married to the said Normand Bessette, and that the beneficiary, Toshiko Hozaka, is found otherwise admissible under the Immigration and Nationality Act. The bill further provides that, in the event that such marriage does occur within 3 months after her entry, the beneficiaries are to be granted permanent residence in the United States as of the date of the payment by them of the required visa fees. The bill further provides that, in the event the marriage does not occur within 3 months after the aliens' entry, they shall be required to depart from the United States, and, upon failure to do so, they shall be deported in accordance with the provisions of the act. The bill does not provide that the child of Toshiko Hozaka shall be otherwise admissible to the United States under the provisions of the Immigration and Nationality Act.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TOSHIKO HOZAKA AND HER CHILD, ROGER, BENEFICIARIES OF H. R. 10143

Since the beneficiaries of this bill, Toshiko Hozaka and her son, have never been in the United States, information concerning them was obtained from their sponsor and her fiance, Normand Gerald Clarence Bessette. The sponsor testified that Toshiko Hozaka also known as Toshiko Hosaka, is a native and citizen of Japan who was born on April 24, 1933. She resides at 3878 Kamitsurma, Sagamishara-Machi, Koza-Gun, Kanigawa-Ken, Japan, about 24 miles south of Yokohama. The sponsor further alleges that Toshiko Hozaka and her son, whom he knows as Roger, reside with the sister of the adult beneficiary. The sponsor has no knowledge of the adult alien's employment or education. The sponsor further stated that the adult alien has never been married. Toshiko Hazaka's son is a native and citizen of Japan who was born on April 8, 1953, and, according to the sponsor, has been named Roger. The sponsor acknowledges this child as being his child.

The sponsor, Normand Gerald Clarence Bessette, is a native and citizen of the United States who was born on April 18, 1921, in New Bedford, Mass. He has never been married. He has testified that he has had 13 years' service in the Massachusetts National Guard and the United States Navy. He served in the National Guard in the years 1940–45. He enlisted in the United States Navy on November 10, 1947, and claims to have served in Japan from August 1951 to December 1952. His present enlistment in the United States Navy expires in 1957, and he has the rating of surveyor, second class. It was while serving with the United States Navy in Japan that he met the beneficiary, Toshiko Hozaka. Since January 1953, the sponsor has been stationed at Newport, R. I., with the Provost Marshal Division, Shore Patrol. He has requested that he be reassigned for service in Japan so that he might marry the adult beneficiary, but has been unsuccessful in his attempts to do so. His present monthly pay is $191.10. He

has been arrested on two occasions. On November 3, 1953, he was arrested in Newport, R. I., on a charge of operating a motor vehicle recklessly, for which he was fined $25. On August 21, 1954, he was arrested in Fall River, Mass., on the charges of operating under the influence of liquor and operating so as to endanger lives and safety, for which he paid fines of $100 and $20, respectively. He claims assets of $75 in a savings account, United States savings bonds with a maturity value of $500, a 20-year endowment national service life insurance policy amounting to $5,000, and a 1949 Chevrolet valued at about $400.

He alleges that he contributes between $30 and $40 a month toward the support of the beneficiaries.

A letter dated October 13, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from Edward S. Maney, Director, Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, October 13, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of August 5, 1954, and its enclosures, wherein you request a report on the visa case of Miss Toshiko Hozaka and her child, Roger, beneficiary of H. R. 10143, 83d Congress, 2d session.

The American consulate general at Yokohama has reported that Miss Hozaka registered as an intending immigrant under the quota for Japan on September 1, 1954. Since the quota for Japan is heavily oversubscribed, it appears unlikely that her turn for consideration will be reached for many years. The consulate general has further reported that despite Miss Hozaka's allegation that Mr. Bessette is the father of the child, the records do not indicate that he has ever endeavored to establish paternity and Miss Hozaka's family register states that the father of the child is unknown.

At this time, the Department has no information from which it could be ascertained whether Miss Hozaka and her child would be qualified in all respects to receive visas.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Donald W. Nicholson, the author of the bill, submitted the following documents in connection with the case:

THE FOREIGN SERVICE OF THE UNITED STATES,
YOKOHAMA, JAPAN, AMERICAN CONSULATE GENERAL,
APO 503, CARE OF POSTMASTER,
San Francisco, Calif., May 11, 1954.

Mr. JAMES S. SELIGMAN,
Fall River, Mass.

SIR: Miss Toshiko Hozaka visited the consulate general today, and presented your letter to her of April 26, 1954, regarding her application for a visa for travel to the United States; she requested that I inform you as to the reasons why she is not considered eligible for a visitor's visa.

In order to qualify for a nonimmigrant visa, an applicant must be able to show that he desires to visit the United States temporarily for business or pleasure, and that he has a residence in a foreign country which he has no intention of abandoning. Since Miss Hozaka states that she desires to go to the United States for the purpose of marriage to an American citizen, and that she desires to remain permanently in the United States, it is apparent that she cannot qualify as a nonimmigrant under the law.

Miss Hozaka was informed, in response to her inquiry, that if her fiance were to come to Japan and marry her here, she would be eligible for consideration as a nonquota immigrant, and her child would either be eligible for similar consideration or for a passport as an American citizen, depending on the circumstances of the father's residence in the United States.

Very truly yours,

J. OWEN ZURHELLEN, Jr., *American Consul.*

MAY 21, 1954.

To Whom This May Concern:

I, William White, residing at Pine Hill Road in South Westport, Bristol County, Mass., certify that I have known Normand Bessette of said South Westport since he was a young man for a period of more than 10 years and I unhesitatingly wish to state that he is of good moral character, that he has always been steadily employed, that he has been a good son among several children, and has always taken care of his mother and father and has respected them and generally I will vouch for his good character at any time.

WILLIAM WHITE.

MAY 21, 1954.

To Whom This May Concern:

I, Malcolm I. Smeaton, residing in South Westport, Bristol County, Mass., certify that I have known Normand Bessette of said South Westport since he was a young man for a period of more than 10 years and I unhesitatingly wish to state that he is of good moral character, that he has always been steadily employed, that he has been a good son among several children and has always taken care of his mother and father and has respected them, and generally I will vouch for his good character at any time.

MALCOLM I. SMEATON.

MAY 21, 1954.

To Whom This May Concern:

I, James Pierce, residing at Pine Hill Road in South Westport, Mass., certify that I have known Normand Bessette of said South Westport since he was a young man for a period of more than 10 years and I unhesitatingly wish to state that he is of good moral character, that he has always been steadily employed, that he has been a good son among several children and has always taken care of his mother and father and has respected them and generally I will vouch for his good character at any time.

JAMES PIERCE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1299) should be enacted.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 608

LUTHER ROSE

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1300]

The Committee on the Judiciary, to which was referred the bill (H. R. 1300) for the relief of Luther Rose, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Luther Rose. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 64-year-old native and citizen of Portugal who was at one time a United States citizen, having been naturalized on April 24, 1922, at Boston, Mass. He first entered the United States on May 3, 1911, at New Bedford, Mass., where he remained, except for short absences, until October 1933. In 1933 he departed from the United States as a crew member and returned to Cape Verde Islands where he lived until 1950. On July 28 of that year he last entered the United States as a member of a Portuguese cargo ship. The beneficiary was found to have expatriated himself during his residence outside the United States, having resided continuously for 3 years in Portugal, the place of his birth. He was a member of the United States Armed Forces in 1918 but was discharged shortly after his induction because of physical disability. The beneficiary has a half-brother residing in Providence, R. I.; his wife, who is dependent upon him for support, resides in Cape Verde Islands; his mother, 3 brothers, and 3 sisters reside in Portugal.

A letter, with attached memorandum, dated October 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 7084 which was a bill pending in the 83d Congress for the relief of the same beneficiary reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., October 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7084) for the relief of Luther Rose, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service which has custody of these files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate quota for the first year that such quota is available.

The alien is chargeable to the quota of Portugal.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUTHER ROSE, BENEFICIARY OF H. R. 7084

The beneficiary, Luther Rose, is a native and citizen of Portugal who was born on June 18, 1891, in Fogo, Cape Verde Islands, Portugal. He was at one time a United States citizen, having been naturalized a citizen of the United States on April 24, 1922, at Boston, Mass. He first entered the United States on May 3, 1911, at New Bedford, Mass., and remained here with short absences as a seaman until October 1933. In 1933, he departed from the United States as a crew member and returned to Cape Verde Islands where he lived until 1950. On July 28, 1950, he last entered the United States as a member of the Portuguese cargo ship, steamship *Madalan*, at which time he was admitted as an alien for such time as the ship remained in port not to exceed 29 days.

During his residence outside the United States, the beneficiary was found to have expatriated himself under section 404 (b) of the Nationality Act of 1940, by residing continuously for 3 years in Portugal, the foreign state in which the place of his birth is situated and failing to establish a permanent residence in the United States prior to October 15, 1946. The beneficiary received extensions of his shore leave from the district director, Boston, Mass., in connection with his last entry on July 28, 1950, in order to establish eligibility for naturalization as being a veteran of World War I, but his military duty was held not to be "active service."

At the conclusion of deportation proceedings which were instituted against the beneficiary on March 18, 1953, he was found to be subject to deportation, in that, he had failed to comply with the conditions under which he was admitted and thereafter was granted the privilege of voluntary departure in lieu of deportation, which has been extended to September 30, 1954.

The beneficiary was a member of the Armed Forces of the United States from July 3, 1918, to August 8, 1918, at which time he received an honorable discharge because of physical disability, having had an attack of epilepsy (grandmal) shortly after his induction. The beneficiary has had no further attacks of epilepsy.

The beneficiary attended elementary school for 7 years in Fogo, Cape Verde Islands, Portugal, and 1 semester of night school in Providence, R. I., in 1926. He is currently employed by the Plymouth Rubber Co., of Canton, Mass., at an average annual salary of $2,500. The beneficiary has a half-brother, Jack Rose, residing at 326 River Street, Providence, R. I., and his wife, Anna Fontes Rose, who is dependent upon him for support, resides at Sada, Bandira, Cape Verde Island. The beneficiary also has a mother, 3 brothers, and 3 sisters residing in Portugal. No evidence of any communistic affiliations regarding subject was disclosed.

Congressman Donald W. Nicholson, the author of the bill, submitted the following letters with reference to the case:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 31, 1955.

COMMITTEE ON THE JUDICIARY,
House of Representatives, Washington, D. C.

GENTLEMEN: I would like to request your favorable consideration of H. R. 1300, which I introduced in behalf of Mr. Luther Rose.

I am enclosing herewith the correspondence I have received from Attorney Roy F. Teixeira of 19 Milk Street, Boston, Mass., relative to Mr. Rose.

You will note that Mr. Rose became a citizen of the United States, but, unfortunately, when he departed from this country, he was unable to return within the prescribed time due to financial difficulties.

With kindest regards, I am,

Sincerely yours,

DONALD W. NICHOLSON.

BOSTON 9, MASS., *September 22, 1953.*

In the matter of Luther Rose, 12 Cappen Place, Canton.

Hon. DONALD W. NICHOLSON,
Congressman, Ninth District,
Post Office Building, New Bedford, Mass.

DEAR CONGRESSMAN NICHOLSON: I wish to refer to your letter of August 13, 1953, wherein you advised me that you intend to file a private bill in behalf of Luther Rose for the purpose of legalizing his entry into the United States.

The district director of Immigration and Naturalization Service, the Honorable Henry Nicolls, 73 Tremont Street, Boston, Mass., under date of September 15, 1953, has directed that Luther Rose depart from the United States on or before November 1, 1953. I am this day preparing a motion which I expect to file tomorrow for an extension of time for his departure in order that there shall be sufficient time for consideration of your bill prior to the date of departure, which will not take place if your bill is favorably acted upon.

I have complete background of this case. Mr. Rose was a citizen of the United States when he departed as a seaman from the United States and his reasons for not returning being due to lack of money for transportation. He was inducted in military service for a brief period and discharged honorably due to physical disability. The immigration inquiry found him to be of good moral character and his deportation is based solely upon the Nationality Act of 1940 because he did not return to the United States within the time therein prescribed. It is to be noted that the residence in foreign country upon which he forfeited his citizenship was one beyond his control due to compelling reasons, and really should not be considered as a change of domicile.

If you need any additional material in connection with his case, kindly inform me, and I will forward to you, the written documents evidencing his reasons for absence from the United States. Thanking you for your cooperation in this matter. I am,

Respectfully yours,

ROY F. TEIXEIRA.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1300) should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 609

VICTORINE MAY DONALDSON

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1337]

The Committee on the Judiciary, to which was referred the bill (H. R. 1337) for the relief of Victorine May Donaldson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Victorine May Donaldson. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 10-year-old British subject who was born in Calcutta, India. She first entered the United States on June 12, 1953 at Honolulu, T. H., as a temporary visitor for 6 months. After her mother died, the father requested that the sponsors, Dr. and Mrs. Eden M. Smith, have custody of the beneficiary until she is 21 years of age, but she has never been adopted by them. The sponsors are United States citizens who were Seventh Day Adventist medical missionaries in India from 1949 to 1953. At present they reside at Banning, Calif., where Dr. Smith has been practicing medicine since March 1954. The beneficiary is residing with them and is supported entirely by them.

A letter, with attached memorandum, dated July 23, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of the Immigration and Naturalization Service with reference to H. R. 8944 which was a bill

pending in the 83d Congress for the relief of the same beneficiary reads as follows:

JULY 23, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request to the Department of Justice for a report relative to the bill (H. R. 8944) for the relief of Victorine May Donaldson, there is attached a memorandum of information concerning the beneficiary and the sponsors. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Bernardino, Calif., office of the Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of India.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VICTORINE MAY DONALDSON, BENEFICIARY OF H. R. 8944

According to testimony of the sponsors, Dr. Eden M. Smith and his wife, Mildred Nanz Smith, the beneficiary, Victorine May Donaldson, was born on May 7, 1945, at Calcutta, India, of English parents, William Charles Donaldson and May Donaldson, nee Atkinson. She first entered the United States June 12, 1953, at Honolulu, T. H., as a temporary visitor for 6 months. This period of admission was extended to June 11, 1954.

The beneficiary has never been adopted by the sponsors; however, Dr. and Mrs. Smith have a notarized agreement which was made in Rangoon, India, which states the mother of the beneficiary died shortly after the birth of the beneficiary, and the father, being in very poor circumstances and about to leave India permanently, committed the beneficiary to the custody of the sponsors until she attained the age of 21 years. The agreement further stated that it was agreeable that the beneficiary bear the true name of the sponsors and be treated in all respects as if she were the natural child of the sponsors.

Dr. Smith and Mrs. Smith are United States citizens. Dr. Smith was born May 19, 1913, in Omaha, Nebr., Mrs. Smith was born on December 4, 1911, at Flushing, N. Y. They were married in Brooklyn, N. Y., on January 10, 1940. They testified that this is their only marriage and that they have three other children.

Dr. Smith was an enlisted man in the United States Army from 1943 to 1945 and was commissioned in the United States Army from 1946 to 1948 in the Medical Corps. He graduated from the College of Medical Evangelists at Loma Linda, Calif., in 1946 and practiced medicine in Los Angeles, Calif. during a part of 1948 and 1949. He and his wife were Seventh Day Adventist medical missionaries in India from 1949 to 1953. He stated his annual income is approximately $18,000.

Mrs. Smith is a registered nurse but is not presently employed. The combined assets of Dr. and Mrs. Smith consist of furniture and an automobile valued at approximately $3,500. At present they are renting their home at Banning, Calif., and Dr. Smith has been practicing medicine in that city since March 1954. The beneficiary is residing with them and is supported entirely by them.

Congressman John Phillips, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and recommended the favorable consideration of his bill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1337) should be enacted.

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Calendar No. 616

84TH CONGRESS, 1st Session | SENATE | REPORT No. 611

JOHN J. BRAUND

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4549]

The Committee on the Judiciary, to which was referred the bill (H. R. 4549) for the relief of John J. Braund, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay John J. Braund, of Washington, D. C., $15,000. This sum represents the amount reported by the Court of Claims to Congress in response to House Resolution 700, 82d Congress, to be the amount agreed to by the United States and claimant as constituting full settlement of all past and future claims with respect to patent No. 2,493,439, issued January 3, 1950, as well as any inventions disclosed thereunder, and all other claims within the scope of H. R. 4507, 82d Congress.

STATEMENT

The available facts pertinent to this claim are set forth in an order of the United States Court of Claims, attached hereto, and made a part of this report. Briefly, these facts are summarized as follows:

The claimant invented a process and duplicating machine for the making of relief maps. A patent was issued to the claimant on January 3, 1950.

On August 26, 1952, pursuant to House Resolution 700, 82d Congress, 2d session, certified copies of H. R. 4507 and House Report 2227, were filed with the Court of Claims. H. R. 700 asks the Court of Claims to report findings and conclusions sufficient to inform Congress

of the nature and character of the demand and the amount due the claimant. Thereafter, on November 7, 1952, claimant filed a petition with the Court of Claims asking judgment of $100,000 because of the Government's infringement of claimant's patent.

After three pretrial conferences, claimant and the Government agreed to a settlement of the dispute by payment to claimant of a gratuity of $15,000, the amount set forth in this bill, and filed a joint motion asking the Court of Claims to dismiss claimant's petition and to report the agreed compromise settlement to the House of Representatives. This the Court of Claims has done. The committee, in view of these facts recommends favorable consideration of H. R. 4549.

Attached hereto and made a part hereof is the order of the United State Court of Claims. On file with the committee is a letter from the claimant's counsel outlining the extent of his services in processing this matter through the Court of Claims.

[In the United States Court of Claims. Congressional No. 9-52. *John J. Braund* v. *The United States*]

ORDER

This case comes before the court on the basis of a joint settlement motion filed by the parties on January 20, 1955, and a memorandum report by a commissioner of this court filed on January 24, 1955, which sets forth the following facts:

On August 26, 1952, House Resolution 700, 82d Congress, 2d session, together with certified copies of bill H. R. 4507 and House Report No. 2227, was filed in this court. On November 7, 1952, the plaintiff filed a timely petition asking this court to enter judgment in his favor for $100,000, if it has jurisdiction, or, if it has not jurisdiction, to report to Congress that said sum is legally or equitably due to the claimant. House Resolution 700 requests this court to report findings and conclusions sufficient to inform the Congress of the nature and character of the demand and of the amount due to the claimant.

The claimant asks for compensation for past and future use of a process and machine said to have been invented and patented by the plaintiff. The patent involved is identified as patent No. 2,493,439, which issued January 3 1950 to the plaintiff, and relates to relief duplicating machines and to methods of producing relief maps. The plaintiff is the sole owner of record of said patent. The patent does not expire until January 3, 1967, nearly 12 years from the present date.

Counsel for the Government has filed a relief map made by the Army Map Service, and has also filed an illustrated brochure showing in detail the machine and methods used by said service in forming relief maps.

The parties have had 3 pretrial conferences with the commissioner, and 3 memoranda reciting the agreements reached are of record. The parties have also filed a stipulation of facts with respect to the patent in suit, and with respect to one of the accused machines and the method of its use by the Government.

Counsel for the Government has conducted an extensive investigation with respect to validity and infringement of the patent in suit, and has given the required statutory and other notices of the prior art and of other alleged defenses, and of the witnesses that would be presented had this case proceeded to an actual trial.

After this case was scheduled for trial, the plaintiff and defendant agreed to settle this claim on the basis set forth in the joint settlement motion filed in this court on January 20, 1955. The joint motion requests this court to dismiss the present petition insofar as it is based on a claim under Public Law 582 (28 U. S. C. 1498—granting rights to Government employees to maintain patent suits against the United States in the Court of Claims in certain instances). The joint motion also requests this court to report to the House of Representatives that the parties agree that a payment to claimant of a gratuity in the amount of $15,000 would be in full settlement of all past and future claims with respect to the patent in suit, and of all other claims within the scope of H. R. 4507 (82d Cong., 1st sess.). The joint settlement motion was signed by Assistant Attorney General Warren E. Burger for the Government, and was signed by William P. MacCracken, Jr., attorney for the plaintiff. The motion also bears the written approval of John J. Braund, plaintiff.

The parties have further agreed that the order of this court on their joint settlement motion will not be construed as an admission by either party as to any of the issues in the case.

The jurisdiction of this court to enter a judgment has been challenged by Government counsel, and it appears that the court's present jurisdiction, if any, to render judgment would be limited to the period between July 17, 1952, and November 7, 1952, a period of less than 4 months whereas the agreed settlement covers all claims both past and future: Now therefore,

It is ordered this 8th day of February 1955, That said joint settlement motion is granted and plaintiff's petition insofar as it states a claim under Public Law 582, 82d Congress, 2d session, approved July 17, 1952, is dismissed, and

In accordance with our rules we accept the agreement of the parties, as set out above, and hereby recommend to the Congress that plaintiff receive the sum of $15,000 as a gratuity in full settlement of all claims with respect to the patent in suit and all other claims within the scope of bill H. R. 4507, 82d Congress, 1st session, said recommendation being directed solely to the discretion of the Congress.

This order together with its findings and conclusions thereon will be certified to the Congress pursuant to House Resolution 700, 82d Congress, 2d session.

By the court:

MARVIN JONES, *Chief Judge.*

A true copy.

Attest:

[SEAL]

WILLARD L. HART,
Clerk, United States Court of Claims.

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Calendar No. 617

84TH CONGRESS, 1st Session | SENATE | REPORT No. 612

MEADOW SCHOOL DISTRICT

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 288]

The Committee on the Judiciary, to which was referred the bill (S. 288) to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior, having considered the same, reports favorably thereon, with an amendment, and recommends that the bill, as amended, do pass.

AMENDMENT

On page 2, line 7, following the word "Act", strike the words "in excess of 10 per centum thereof".

PURPOSE OF THE AMENDMENT

The purpose of the proposed amendment is to eliminate payment of attorney's fees from the award provided in this legislation. The attorney involved in this claim has advised the committee that he is making no charge for his services.

PURPOSE

The purpose of the proposed legislation, as amended, is to pay the sum of $5,197.56 to the Meadow School District No. 29, Upham, N. Dak., in full settlement of the district's claim against the United States for reimbursement of loss of revenue resulting from the acquisition by the United States Government, Department of the Interior, of approximately 30 percent of the lands within such school district for a wildlife refuge.

STATEMENT

A similar bill was passed by the Senate in the 83d Congress, but no action was taken upon the claim by the House of Representatives prior to adjournment.

In 1929 the Meadow School District No. 29, Upham, N. Dak., had a bonded indebtedness that was due to expire in 1947. In 1935, the United States Government took title to 7,020.07 acres which were located within the school district and a part of the lands to be used for the Lower Souris Refuge. In 1935 valuation of the property taken by the Government based on the 50 percent valuation was $43,574. In that year the mill rate for the school district was 9.94. This mill rate was for interest and sinking funds on the bonded indebtedness. The amount that the mill rate would produce on the value of the land taken by the Government would amount to $433.13. Applying that amount to the number of years that the bond issue had yet to run (12 years) makes the sum, $5,197.56, that the Government should have paid to the school district toward the application of the retirement of the bonded indebtedness at the time the property was taken. However, when this property was condemned no moneys were paid to the school district as reimbursement for the withdrawal of these lands which had been supplying their share of the burden represented by the bonded indebtedness.

Before the Government acquired these lands for a duck refuge, Meadow School District contained approximately 23,040 acres. Thus the Government reduced the acreage in this school district by 30.37 percent of the total acreage.

The Department of the Interior in reporting on this claim recommends against it on the basis of the provisions of section 401 of the act of June 15, 1935 (49 Stat. 383), as amended. As a result of this act, McHenry County, in which the Meadow School District is located, has received through fiscal year 1953 a total of $23,092.10, representing 25 percent of the sales of surplus products and other privileges from the lands which were acquired for the Lower Souris National Wildlife Refuge. This payment, however, is made directly to the counties by the Department of the Treasury upon warrant by the Fish and Wildlife Service and according to law is to be expended by the counties for school and road purposes. No further restrictions, limitations, or controls are placed on the counties in the expenditure of these funds and the inequitable distribution of these funds is therefore the responsibility of the counties.

These funds are paid to the counties in lieu of taxes and no further provision of law is made for the reimbursement to local taxing authorities for the removal of such lands from the tax rolls for Federal purposes. Correspondence on file with the committee indicates that the Meadow School District receives only about $175 of this money paid to the county. This correspondence also indicates that the Meadow School District provides education for 10 children of employees of the Fish and Wildlife Service of the Department of the Interior, residing on the Lower Souris Refuge.

Despite the recommendation of the Department of the Interior, the Committee on the Judiciary believes that this legislation should be approved. By the purchase of this land the Government has reduced the amount of taxable land for the school district and has at the same

time reduced the number of taxpayers contributing to the retirement of the bonded indebtedness. If this were a private transaction the purchaser would be charged with his pro rata share of the taxes. The committee does not feel that the Government should in this case escape liability to the school district because of its sovereignty but believes, instead, it should be required to assume responsibility commensurate with that of a private purchaser. Also, it is important to recall that this school district was never a party to the transactions between the private owner and the Government.

Information before the committee indicates that this is the only school district from which lands were taken for the refuge which then had a bonded indebtedness.

It is obvious to the committee that the moneys received by the county under the general provision of law furnished inadequate financial aid to a school district within the county for the loss of revenue which it suffered. Therefore, the committee does not feel that the general statute authorizing such payment should represent a bar to the payment of this claim. It seems to the committee that it is inequitable for the Government of the United States to requisition land such as this without making appropriate restitution for the hardship occasioned by such taking. The committee, therefore, recommends favorable consideration of this legislation, as amended.

Attached to this report is the report of the Department of the Interior referred to earlier, a letter from the McHenry County State's attorney addressed to the sponsor of this legislation, a letter addressed to the sponsor from the Fish and Wildlife Service, a letter from the United States Department of the Interior under date of December 29, 1951, and a letter from a member of the Meadow School District under date of December 10, 1951.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., June 9, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR LANGER: Reference is made to your request for a report on S. 3076, a bill to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior.

I recommend against enactment of the proposed legislation.

The bill would authorize and direct the Secretary of the Treasury to pay to Meadow School District No. 29, Upham, N. Dak., "the sum of $5,197.56 in full satisfaction of such school district's claim against the United States for reimbursement of loss of revenue resulting from the acquisition by the United States Department of the Interior of approximately 30 percent of the lands within such school district for a wildlife refuge, such amount representing the equitable share of such school district's bonded indebtedness remaining due against such lands acquired by the Department of the Interior at the time of such acquisition." The Congress has not generally recognized claims of this nature and it is not believed that the circumstances involved here justify any exception. On the contrary, it would appear that McHenry County, within which Meadow School District No. 29 lies, already has received for both school and road purposes several times over the amount claimed in the bill in accordance with other legislation. The records of this Department show that under the provisions of section 401 of the act of June 15, 1935 (49 Stat. 383), as amended, McHenry County has received through fiscal year 1953, $23,092.10, representing 25 percent of sales of surplus products and other privileges from the lands which were acquired for the Lower Souris National Wildlife Refuge.

It is interesting to note that in 1936 the Fish and Wildlife Service (then the Bureau of Biological Survey) estimated that the loss of revenue from the lands acquired by the United States approximated 11.26 percent as compared with the total bonded debt of the school district which then amounted to $23,800. This 11.26 percent represented $2,679.88. By adding 5 percent interest to this figure, there results a total which is almost equal to the amount of the claim indicated in S. 3076. It also was indicated at that time that the county's share of the revenue accruing from the sale of surplus products and the grant of privileges on the refuge probably would equal or exceed loss of revenues to the county by reason of the removal of these properties from the tax rolls. It appears that the county has received many times over the amount of the loss of tax revenues.

I have been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Sincerely yours,

F. E. WORMSER,
Assistant Secretary of the Interior.

McHENRY COUNTY STATES ATTORNEY,
Towner, N. Dak., December 23, 1953.

Senator WILLIAM LANGER,
United States Senate Office Building,
Washington, D. C.

DEAR SIR: The school directors of Meadow School District No. 29 of Upham, N. Dak., have requested me to write you concerining their problem with the refuge near Upham. I believe that they had discussed this matter with you at one time when you were in the Leland Parker Hotel in Minot.

What they wanted to bring up with you is as follows:

In 1929 the school district had a bonded indebtedness that was to expire in 1947. In 1935 the United States Government took title to 7,020.07 acres, all of which was located in this school district. The 1935 valuation of the property taken by the Government, based on the 50 percent valuation, was $43,574. In that year the mill rate for the school district was 9.94. This mill rate was for interest and sinking fund on the bonded indebtedness. The amount that this mill rate would produce on the value of the land taken by the Government would amount to $433.13 to apply on the bonded indebtedness. Applying the amount of $433.13 to the number of years that the bond issue had yet to run, 12 years, would make $5,197.56 that the Government should have paid to this school district toward the application of the retirement of the bonded indebtedness. For some reason or other the bonded indebtedness was not taken into consideration by the Government at the time they purchased the land.

The following information may be of some value to you, at least it is interesting figures. Before the Government acquired this land for a duck refuge, Meadow School District contained approximately 23,040 acres. There was taken by the Government, as mentioned above, 7,020.07 acres. The Government reduced the acreage in this school district by 30.47 percent of the total acreage.

I believe that you could readily see that the great reduction in acreage, taken from this one school district, has caused a great deal of hardship on this district. They would appreciate any efforts that you could extend in their behalf in having a bill passed so that they could recover the amount that the land taken should bear to the bonded indebtedness.

If there is any other information that you would like to have in regard to this matter, please feel free to call on me.

Very truly yours,

VICTOR V. STIEHM.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, D. C., December 29, 1951.

Hon. WILLIAM LANGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR LANGER: I have received your communication of December 20 with which you submit a letter from Mr. Bjarne Skar, member of the Meadow School District, relating to the providing of school facilities for children of personnel employed on the Lower Souris National Wildlife Refuge.

There is no law under which a direct subsidy can be granted to the Meadow School District to aid in financing the schooling of children of personnel living on the Lower Souris Refuge. However, under section 401 of the act of June 15, 1935 (49 Stat. 383; 16 U. S. C. 715s), provision is made for the payment of 25 percent of all money received during each fiscal year from certain operations on national wildlife refuges to be paid to the county, or counties, in which such refuges are situated on the basis of the acreage of such project in each county. This payment is made directly to the counties by the Department of the Treasury upon warrant by the Fish and Wildlife Service and, according to the law, is to be expended by the counties for school and road purposes. No further restrictions, limitations, or controls are placed on the counties in the expenditure of these funds, and accordingly, it is the responsibility of the counties to expend such funds in an equitable manner. These funds are paid to the counties in lieu of taxes, and no further provision of law is made for the reimbursement to local taxing authorities for the removal of such lands from the tax rolls for Federal purposes.

As mentioned in Mr. Skar's letter, Public Laws 815 and 874 made certain provisions for financial aid for school purposes where local governments encountered specific problems as a result of increased Federal operation in certain localities. Certain definite requirements were included in the law governing the circumstances under which such financial aid could be granted. Presumably the school district has explored this possibility of securing financial aid without success. Possibly, further inquiry to the Department of Commerce may reveal the reasons why the school district was ruled ineligible.

Our records show that during the past few years the following payments have been made to McHenry County under section 401 of the act of June 15, 1935:

Fiscal year:	*Paid to McHenry County*
1951	$1, 824. 32
1950	1, 557. 96
1949	1, 228. 84
1948	1, 996. 58
1947	1, 720. 24
1946	2, 678. 58

Our records also indicate that the refuge lands within the township in which the refuge headquarters is located aggregate about 18 percent of the lands of the refuge in McHenry County. We would surmise that Meadow School District sustains the largest tangible expense for school purposes as a result of operations of the Lower Souris Refuge as compared to other townships within the refuge boundary. It would therefore appear, based on the above data, that there may be justification for Meadow School District to petition the authorities of McHenry County for a larger proportion of the funds made available to McHenry County under section 401 of the act of June 15, 1935. It must be borne in mind, however, that the Federal law specifies that the funds made available to the county shall be expended for road purposes as well as for school purposes, and unless there is a State law in this regard the authorities of McHenry County are free to exercise their own discretion in the matter.

This Service appreciates the problem confronting the Meadow School District, but regrets that there is no direct solution which we can offer. We feel that our refuge employees are entitled to the same consideration insofar as being provided with school facilities are concerned as are any other citizens of the State and county, particularly since they are subject to the local and State laws and pay personal-property tax. We shall be glad to cooperate with local officials to the fullest extent in this matter.

We trust that this information will be helpful to you, and that it may lead to a solution of the problem confronting the Meadow School District.

Mr. Skar's letter is returned herewith.

Sincerely yours,

ALBERT M. DAY, *Director.*

UPHAM, N. DAK., *December 10, 1951.*

Hon. WILLIAM LANGER,
United States Senate, Washington, D. C.

DEAR SIR: As you know, Meadow School District where I am a taxpayer, the Biological Survey bought 7,200 acres of land in or about 1934 and 1935, on which they built a group of buildings to house the personnel that look after ducks, enforce hunting laws, and take care of the general maintenance on the Lower Souris Refuge. These families have 10 children which we educate.

Beginning this year, we are paying for transportation of the children residing in the district, but we have refused to pay anything for transporting these children residing on the refuge.

Now, we would like to know why the Biological Survey does not pay Meadow School District a sum for the land that was taken out of taxation. All the district and township get out of them is a little personal property tax and what they get for renting out pastureland and hay meadow and the trapping of fur-bearing animals which amounts to about $175 to each (township and district).

A few years ago Congress passed two laws to give financial aid to such districts. The numbers of the these laws are Public Law 815 and 874.

We of Meadow School District applied for this money, but we were told that we were not eligible for this aid. There is so much money spent on caring for and protecting the ducks, which in turn ruin the windrows and eat the farmers' grain in the fall, that one should think a little could be spent on educating their children.

The local farmers are of the opinion that the Biological Survey is an unnecessary nuisance.

If you could find it possible to arrange a meeting with the school board and interested people of Meadow School District in order to give further details on this matter, it would be greatly appreciated. Thank you.

Sincerely,

BJARNE SKAR,
Member, Meadow School District.

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84TH CONGRESS, 1st Session | SENATE | REPORT No. 613

WILMA ANN SCHILLING AND HER DAUGHTER INGERTRAUD ROSALITA SCHILLING

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1159]

The Committee on the Judiciary, to which was referred the bill (S. 1159) for the relief of Wilma Ann Schilling and her daughter Ingertraud Rosalita Schilling, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, in the administration of the Immigration and Nationality Act, Wilma Ann Schilling, the fiance of Everett B. Felton, a citizen of the United States, and her minor child, Ingertraud Rosalita Schilling, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided*, That the administrative authorities find that the said Wilma Ann Schilling is coming to the United States with a bona fide intention of being married to the said Everett B. Felton, and that she is found otherwise admissible under all of the provisions of the Immigration and Nationality Act, other than section 212 (a) (9) of the said Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

In the event the marriage between the above-named persons does not occur within three months after the entry of the said Wilma Ann Schilling and her daughter Ingertraud Rosalita Schilling, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Wilma Ann Schilling and her daughter, Ingertraud Rosalita Schilling, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Wilma Ann Schilling and her daughter Ingertraud Rosalita Schilling as of the date of the payment by them of the required visa fees.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the fiance of a United States citizen former member of our Armed Forces. The bill also enables the fiance and her minor child to enter the United States in order that the fiance may marry her citizen fiance and thereafter reside in the United States. The bill has been amended to conform to the usual language used in bills of this type.

STATEMENT OF FACTS

The beneficiaries of the bill are a 28-year-old mother and her 7-year-old daughter who are natives and citizens of Germany. The mother is single and is engaged to marry a United States citizen who was formerly stationed in Germany with the United States Armed Forces and who now resides in Key West, Fla. He is sending money for their support and intends to adopt the daughter. The mother was convicted in Germany of breaking a light and not paying for a coat she had purchased on credit terms. Without the waiver provided for in the bill, she and her daughter will be unable to enter the United States.

A letter, with attached memorandum, dated July 30, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3489 which was a bill pending in the 83d Congress for the relief of the mother reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 30, 1954.

HON. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3489) for the relief of Wilma Ann Schilling, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission to the United States aliens who have been convicted of a crime involving moral turpitude or who have been convicted of two or more offenses for which the aggregate sentences imposed amounted to 5 years or more. The bill would grant the beneficiary a visa as a nonimmigrant temporary visitor for a period of 3 months for the purpose of being married to her fiance, Everett B. Felton, Jr., a citizen of the United States, if she is otherwise admissible under the Immigration and Nationality Act, and authorizes and directs the Attorney General to record the admission of the beneficiary for permanent residence if the marriage occurs within 3 months of her entry, such entry to be as of the date of the payment by her of the required visa fee. If such marriage does not take place she shall be required to depart and upon her failure to do so she shall be deported.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING WILMA ANN SCHILLING, BENEFICIARY OF S. 3489

The beneficiary is residing abroad. Her fiance, Mr. Everett B. Felton, Jr., 24 years of age, a citizen of the United States, who resides at Key West, Fla., has furnished the following information.

Wilma Ann Schilling was born on September 7, 1926, at Neuenstadt, Heilbronn, Germany, and has always resided in Germany. She is single but has a 6-year-old daughter. Her present address is Reidelberger-Landstrasse Muna-Wachhaus, Darmstadt-Eberstadt, Germany.

Mr. Felton became engaged to her soon after he met her about July 1952, when he was stationed in Germany as a member of the United States Army but was prevented from marrying her by military regulations.

Mr. Felton stated that he inquired at the American consulate at Frankfurt, Germany, concerning the possibility of the beneficiary securing a visa for permanent residence but was informed that she could not be issued a visa because of her criminal record, the exact nature of which he has little knowledge. He was also unable to furnish any information concerning her background and education but stated that she has never been employed to his knowledge and that she has been supported by him since his return from Germany.

Investigation in Key West, Fla., indicates that Mr. Felton is a person of good character and reputation, is financially responsible, and is sincere in his desire to marry the beneficiary. He is employed as assistant manager of a fish company, a substantial business which is owned by his father. His weekly salary is $70.

The committee may desire to make inquiry of the Department of State for information concerning the exact nature of the criminal record of the beneficiary.

Senator George A. Smathers, the author of the bill, submitted a number of letters and documents in support of the bill, among which are the following:

COMPANY A, 322D SIGNAL BATTALION,
APO 79, United States Army, November 18, 1954.

To Whom It May Concern:

I have been associated with Everett B. Felton for a period of 1 year, first as executive officer and later as commanding officer of his company. During this time I have worked very closely with him and found him to be an individual of the highest moral caliber who can be entrusted with the most responsible of positions.

I have become acquainted with Everett's situation whereby he wishes to marry a German national and, through certain Army and State Department regulations, is not able to do so before he returns to the United States. As Felton's commanding officer I have given his case a great deal of study and consideration and personally feel that he should be given every possible special consideration for permission to marry this girl.

FRED R. CHAMPION,
First Lieutenant, Signal Corps,
Commanding.

STATE OF FLORIDA,
County of Monroe, ss:

Before me, the undersigned authority, personally came and appeared Everett B. Felton, Jr., who after being by me first duly sworn, did depose and say:

"My name is Everett B. Felton, Jr., I was born in Key West, Fla., on July 8, 1930, and am now a resident of said city and State. I served as an enlisted man in the United States Army from April 8, 1951, through January 8, 1954. While a member of the United States Army of occupation in Germany, I became engaged to marry Wilma Ann Schilling, who is the mother of a 6-year-old daughter, Ingertraud Rosalita Schilling. I am desirous of having Wilma Ann Schilling and her daughter admitted to the United States, for the purpose of becoming my wife and it is my intention, immediately upon our marriage, to legally adopt her daughter and make her my heir."

And further deponent says not.

EVERETT B. FELTON, Jr.

Sworn to and subscribed before me at Key West, Monroe County, Fla., this 15th day of February A. D. 1955.

[SEAL]

WILLIAM V. ALLRVEY,
Noraty Public, State of Florida.

My commission expires October 14, 1958.

STATE OF FLORIDA,
County of Monroe:

Be it known that on the 8th day of February 1955 personally appeared before me Everett B. Felton, Jr., who being duly sworn, deposed and said that with reference to special bill for Miss Wilma Ann Schilling to enter the United States of America, regarding specific police charges, these charges were as follows:

1. Breaking a light.
2. Inability to pay for a coat that had been purchased on credit terms.

In testimony whereof, I have hereunto set my hand and seal this 8th day of February, 1955.

[SEAL]

MANUAL N. JACOBSON,
Notary Public, State of Florida at large.

My commission expires October 22, 1956.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1159), as amended, should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 614

LIESELOTTE BRODZINSKI GETTMAN

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1522]

The Committee on the Judiciary, to which was referred the bill (S. 1522) for the relief of Lieselotte Brodzinski Gettman, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, notwithstanding the provisions of paragraphs (9) and (12) of section 212 (a) of the Immigration and Nationality Act, Lieselotte Brodzinski Gettman may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to the conviction of crimes involving moral turpitude in behalf of the wife of a United States citizen veteran of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native citizen of Germany who was married to a United States citizen member of our Armed Forces in 1953. The couple had lived together as man and wife for some time prior to the marriage and in September 1951 a child was

born to them. The beneficiary's husband is presently living in Denver, Colo., where he is employed by the city and county of Denver and he has been supporting his wife and child. The beneficiary was convicted of receiving stolen property and was also convicted for prostitution. Without the waiver provided for in the bill, she will be unable to enter the United States with her child to make her home with her citizen husband.

A letter with attached memorandum, dated July 15, 1954 to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3003 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 15, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Juaiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3003) for the relief of Lieselotte Brodzinski Gettman, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the El Paso, Tex., office of this Service, which has custody of those files.

The bill would authorize the issuance of an immigrant visa to Lieselotte Brodzinski Gettman and would authorize her admission to the United States notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which exclude from admission aliens who have been convicted of a crime involving moral turpitude, provided she is found to be otherwise admissible under the act.

It should be noted that the bill makes no specific reference to the excluding provisions of section 212 (a) (12) of the act with respect to the beneficiary's conviction of prostitution. In addition, the bill does not limit any waiver of the excluding provisions of the act to grounds of which the Department of State or the Department of Justice has knowledge prior to the enactment thereof.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING LIESELOTTE BRODZINSKI GETTMAN, BENEFICIARY OF S. 3003

Information concerning the case was obtained from Mr. Reuben Gettman, 673 South Perry Street, Denver, Colo. Mr. Gettman is the husband of the beneficiary.

Reuben Gettman is a citizen of the United States, having been born at Berthoud, Colo., on April 5, 1926. He was drafted into the United States Army on November 28, 1944, and served in the European theater until he was discharged in December 1946. He reenlisted in August 1947 and returned to the European theater, serving there until November 1951, when he was returned to the United States and later sent to the Far East Command (Korea) where he served from February until July 1953. Reuben Gettman advised that the beneficiary is his wife and that he first met her during his service in Germany with the United States Army, in 1950. He said he lived together with her as man and wife but was unable to marry her because he could not get Army clearance to do so. He said a child was born to them on September 6, 1951, and that after his final discharge from the Army on August 9, 1953, he returned to Germany and was married to the beneficiary on December 31, 1953. He said this marriage legitimized the child's birth and that the birth record was corrected showing him as the father on April 5, 1954. Mr. Gettman described the beneficiary as a native and citizen of Germany, having been born at Berlin, Germany, on October 14, 1928, and to be presently residing at Wilhermsdorf bei Furth/Bayern, Neurmberger 2, Germany.

Mr. Gettman said that in January 1954 while he was visiting Germany the beneficiary was notified by the Visa Division of the State Department that a visa

could not be issued to her because she had been convicted of crimes involving moral turpitude. Mr. Gettman described these crimes as (1) arrested at Furth/Bayern, Bavaria, Germany, in November 1946, charged with prostitution, convicted and sentenced to 6 weeks' imprisonment and 200 marks fine, and served about 2 weeks of this sentence; (2) arrested at Erding, Germany, in October 1948, charged with receiving stolen property; convicted in the court at Munich, Germany, and sentenced to pay a small fine. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mr. Gettman has a checking account with a balance of $339 and a savings account, the balance of which is $2,500. He is presently employed by the city and county of Denver as a heavy-equipment operator and earns $1.48 per hour on a 40-hour-week basis.

A letter dated August 20, 1954, to the then chairman of the Senate Committee on the Judiciary from Edward S. Maney, Director, Visa Office of the United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, August 20, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR LANGER: Reference is made to your letter of July 27, 1954, and its enclosures, wherein you request a report of the facts in the case of Mrs. Lieselotte Brodzinski Gettman, beneficiary of S. 3003, 83d Congress, 2d session.

It appears from information contained in the Department's files that Mrs. Gettman, nee Brodzinski, was convicted in 1948 by the district court, Erding, of receiving stolen goods in violation of section 259 of the German Criminal Code and was sentenced to 6 weeks' imprisonment.

As theft, also known as larceny or stealing, has been held to constitute a crime involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of a visa to Mrs. Gettman.

It also appears that the alien was convicted in 1946 by the district court, Fuerth, Bavaria, of a violation of section 361 of the German Criminal Code on charges reading as follows:

"You allegedly over a period of time had sexual intercourse with American soldiers in the flat of Mrs. Malter, in Fuerth, Mohrenstrasse, while children were also living and present in said flat.

"Further, you had in your possession United States goods, especially victuals ladies' shoes, cigarettes and failed to report this to the local police."

Since it seems likely that the alien would also be ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act by having engaged in prostitution, it is suggested that you may wish to have the bill amended to grant Mrs. Gettman relief also under the provisions of section 212 (a) (12), above referred to.

At this time the Department has no knowledge of any factor in Mrs. Gettman's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Gettman from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Senator Joseph C. O'Mahoney, the sponsor of the bill, has submitted the following letters in suppport of the bill:

DENVER, COLO., *June 15, 1954.*

DEAR SIR: In reference to the special bill you introduced in the Senate, concerning my wife. I was interviewed by the local immigration office about 3 weeks ago and again the 1st of June to finish a report on my wife and myself. The interviewer informed me that the bill did not include the crime my wife was convicted of in 1946, referring to section 212 (a) (9). He stated our immigration laws previous to 1952 did include that crime in that particular section.

I would like to say a few words about my wife so as to give you a fuller understanding about the case.

I became acquainted with her in April of 1949 while on duty with the Army in Germany. We fell deeply in love and wanted to get married, which I believe is quite normal and can happen anywhere a person might be. Army policy being what it was we were not allowed to get married, because my enlistment was expiring. So I reenlisted for 3 more years, mostly because of the expense involved in undertaking a problem like this as a civilian. Being a member of the Armed Forces stationed in Germany, I would have had no travel expenses and the Army would have provided transportation for my wife and daughter to the United States. But again fate intervened and on a 3-week notice I was reassigned to a camp in the United States; that was December of 1951; again we could not be married because application must be filed 9 months prior to departure from Germany. Following a year of duty in the States, I was reassigned to Korea where I finished my term of service. I believe you are familiar with the case from then on.

I do not blame the Army for this, as the whole matter was regulated by procedure, set up to function, but as in our case they didn't. My period in the service did not suffer because of my personal problems, and I'm rather proud of my military record.

I am proud of my wife, in the honesty and personal courage she has shown in the many problems that have confronted us through the years.

I have lived in her country and I want her to be here with me in this great free country of ours. Believe me, Senator Hunt, she will make a fine citizen.

I cherish the day when I can go to Stapleton Airfield to give my wife and daughter a long last welcome home.

I am employed and my income is adequate to support a family.

Sir, do you believe the bill has a chance to be passed before this session of the Senate goes on recess?

I am enclosing pictures of my family and myself so you know who you are helping.

I am sorry to hear your health is such that you are leaving the Senate.

With deepest respect,

Sincerely yours,

Mr. REUBEN GETTMAN.

SEPTEMBER 25, 1954.

Concerning S. 3003 of Mrs. Lieselotte Brodzinski Gettman, (139) Wilhermsdorf bei Fürth, Nürnbergerstr. 2, United States Zone, Germany.

DEAR SIR: My husband told me in his letter today that the subcommittee recommended that my bill be postponed, but did not say why. Would you please tell me the reason why I cannot get a bill so I can be with my husband? I don't think you want to tear a happy family apart, keeping me from my husband and my little girl from her daddy which she needs so bad. I think I have a right to have some happiness after all the hardships I went through. No home since we had to leave our home in Berlin in 1943. My father a soldier, my mother alone with five children. We came to Wilhermsdorf in 1945, right after the war, and we had to live with our aunt and her 2 children in 2 small rooms. In 1948 my father came back from England and we had a family life again. That is why I did not work for the last few years. I met my husband in 1949 right here in this town. I found happiness, became a mother and after 2 years of separation I married the finest man there is. A man who saved as much money as he could to give us a nice home; who took care of me while he was gone, sending money each month for the baby and me and he still is sending me money; even I am working now.

I don't feel guilty of the crime I was convicted of in 1946. I was too young at the time it happened to understand the situation I was in. I was not picked up on the street like so many other girls, who are in the States now. It was a mistake they made as I know now. I don't know if you have read the letter I sent Mr. Hunt, but if you did you will know how it happened.

Have a heart; don't keep us apart any longer.

With hopes in my heart I'll close,

Respectfully yours,

Mrs. LIESELOTTE GETTMAN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1522), as amended, should be enacted.

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84TH CONGRESS, 1st Session } SENATE { REPORT No. 615

RAYMOND GEORGE PALMER

JUNE 21 (legislative day, JUNE 20), 1955.—Ordered to be printed

Mr. KILGORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3359]

The Committee on the Judiciary, to which was referred the bill (H. R. 3359) for the relief of Raymond George Palmer, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page 2, line 6, after the word "except", strike out "medical expenses shall" and insert in lieu thereof "hospital and medical expense actually incurred shall".

PURPOSE

The purpose of the proposed legislation, as amended, is to waive sections 15 to 20, inclusive, of the Employees' Compensation Act, as amended, so as to permit Raymond George Palmer to file a claim with the Bureau of Employees Compensation for the loss of his eyesight.

STATEMENT

The claimant in this case is an Army Reserve officer who was assigned to duty for a number of years as a company commander in Civilian Conservation Corps camps at various places throughout the United States, beginning in July 1934. In 1940, while holding the position of camp commander at Camp Buck Knob, Oden, Ark., he started losing his eyesight. Despite the fact that within 6 months he had nothing left but a slight sight perception, he was retained in his position until the final disbandment of all CCC camps, on or about March 1943.

In July 1943, he was called back to active duty and physical examination prior to reporting to the Engineer and Amphibious Corps at Fort Edwards, Mass. In August 1943 he was given an honorable discharge for physical disability (total blindness).

Claimant was unaware of the fact that he might be entitled to benefits under the Employees' Compensation Act and has never filed a claim with that Bureau.

Under these circumstances, the committee is of the opinion that the claimant should be allowed to present his claim for compensation and have it judged on the merits and, therefore, recommends enactment of the bill.

Attached hereto for the information of the Senate is a letter from the Secretary of Labor and other correspondence in connection with this case.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR CONGRESSMAN CELLER: This is in further response to your recent request for my comments on H. R. 3359, a bill for the relief of Raymond George Palmer.

The bill proposes to waive the time limitations in sections 15 to 20 of the Federal Employees' Compensation Act (39 Stat. 742, as amended) in favor of Raymond George Palmer so as to permit him to file a claim for compensation for an injury alleged to have been sustained while he was a member of the Officers Reserve Corps at Centaur, Mo. in 1936.

This matter was first brought to the attention of the Bureau of Employees Compensation on March 3, 1954, when it received a statement prepared by the claimant outlining a history of his eye trouble. According to the statement, this trouble began in 1936 when Mr. Palmer was serving in the Army Reserve in a Civilian Conservation Corps camp. The condition grew progressively worse and in 1942 he was found unfit for military duty. The statement does not allege that his condition is the result of an injury or connected in any way to an employment related cause. Mr. Palmer has not filed a claim for benefits under the Compensation Act, and the Bureau of Employees Compensation does not have any further information respecting the circumstances of his claim.

Since the effect of H. R. 3359 would be to accord preferential treatment to Mr. Palmer, in discrimination against other claimants similarly situated, I would be opposed to enactment of this bill unless Congress finds extenuating circumstances justifying the time limitation waiver in this particular case.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

JAMES P. MITCHELL,
Secretary of Labor.

LITTLE ROCK, ARK.,
January 7, 1955.

Congressman BROOKS HAYS,
Little Rock, Ark.

DEAR CONGRESSMAN HAYS: Kindly find enclosed two copies of letters which I sent today to Senator John McClellan. From these otherwise self-explanatory letters you will find out that I have turned to Senator McClellan, asking him to please join efforts with you in helping to introduce a bill in my behalf for compensation and retroactive remuneration.

Congressman Hays, you know my case quite well, I believe, nevertheless will the enclosed copy of my personal history give you a clear picture of all facts involved.

I do not mind telling you that I have exhausted all my sources to find some kind of occupation to provide for my quite sick 80-year-old mother and myself, but whether it was in private industry, in civil service, etc., my total blindness proved to be a total handicap. As much and as hard as I have tried, I do not see any

chance to go on and I beg you again, to please give me a helping hand and do whatever you can in my behalf. I shall always be thankful for your kind consideration.

With best regards, I remain,

Sincerely yours,

RAYMOND GEORGE PALMER.

LITTLE ROCK, ARK., *January 7, 1955.*

Senator JOHN MCCLELLAN,
Little Rock, Ark.

DEAR SENATOR: The enclosed personal information on the undersigned is being furnished you for the purpose of obtaining concerted action on a bill to be introduced in my behalf by Congressman Brooks Hays.

Congressman Hays was contacted by me previously and given already all necessary information and copies of correspondence pertaining to my case. To make it more convenient for everybody concerned, he will be furnished a copy of the enclosed original information.

Congressman Hays has very courteously tried since November 1954 to view my case in respect to all possibilities of obtaining compensation within the framework of existing rules and regulations which would have been due me, if I had not in one or two instances failed to come within the requirements by just a few days.

Confirmation of my background by Col. G. C. Graham, Army, retired, and Mr. Roy E. Cumpe was submitted to Congressman Hays, who at that time stated to Mr. Cumpe and myself that—if all possible sources had been exhausted and results would not be obtainable—the only way would be to submit a bill in my behalf, asking for compensation and retroactive remuneration.

I hope and pray that, after the last elections changed the setup of Congress and Senate to some extent, it will be found that conditions are more favorable to the presentation of the facts pertaining to my case and that it will be felt that I am justified to hope for and entitled to due compensation.

I would apprec ate it very much, if you, dear Senator McClellan, and Congressman Hays would both coordinate your efforts in my behalf as early as you possibly can, in view of the fact that I, a family man, am without any means of support for myself and my 80-year-old mother who is seriously ill and that I am facing the loss of our modest home in which we have been residents since close to 30 years.

Thanking again for any help and assistance you will give me, I remain,

Sincerely yours,

RAYMOND GEORGE PALMER.

Original sent to Senator McClellan; copy to Congressman Brooks Hays.

LITTLE ROCK, ARK., *January 7, 1955.*

Senator JOHN MCCLELLAN,
Little Rock, Ark.

DEAR SENATOR: This letter will reach you through the courtesy of your son. I ike to state first of all that all explanations given therein are true to the very best of my knowledge and that they can be confirmed as being correct, in regard to time and facts, by Col. G. C. Graham, Army, retired, 1923 West 16th Street, Little Rock, Ark.

Born on February 20, 1910, it was my aspiration since early childhood to follow a military career and serve my country at the best of my ability. For that reason I entered in 1924 the Columbia Military Academy (Columbia, Tenn.) where I received high school and military training. The last 3 months of 1928 I underwent ROTC training at Camp McCelland, Anniston, Ala., which was followed by several tours of duty which brought me to Fort Crook, Nebr., Fort Leavenworth, Kans., and Camp Robinson, Little Rock. From July 1934 to July 1937 I served at Fort Leavenworth, Kans., as camp commander, CCC (Missouri-Kansas District). From August 1939 to March 1943 I served as company commander, CCC, under Col. G. C. Graham for the Arkansas District Headquarters, CCC, Little Rock, Ark.

The above outlines of my military experiences shall show the extent to which I devoted about 20 years of my life in services for my country, which I had to discontinue only after tragedy struck me and made me not available for further services.

In 1940, while holding the position of a camp commander, CCC, at Camp Buck Knob, Oden, Ark., I started losing my eyesight gradually and within 6 months I had nothing left by a slight perception. Due to my efficiency, however, Col. G. C. Graham, United States Army, retired (then district commander), and Major Hefner did not allow me to be released for another about 2½ years, until the final disbandment of all CCC camps on or about March 1943. All camp commanders, during the time from 1938 to 1943, were on civilian duty, but in order to qualify for their positions, they had to be Reserve officers. When I went on duty with the CCC originally in July 1934 I was a Reserve officer with the same status and compensations as the Regular Army. When the change from military to civilian status occurred, many compensations, as far as I can remember, were discontinued. What I do not know, however, and never would be able to explain to myself or anybody would be why with the change from military to civilian status compensations, respective benefits granted to military personnel for partial or total disability occurred during services for the country, should have been discontinued entirely, especially as, in the case of camp commanders, a Reserve officer's status was required to qualify. For 11½ years I was a Reserve officer and spent 7 of these 11½ years on regular duty with the United States Army and the CCC. I was subject to call to active duty at any time during these years. I considered Army life my career and was only too happy to serve my country.

In July 1943, I was called back to active duty and physical examination prior to reporting to the Engineer and Amphibious Corps at Fort Edwards, Mass. In August 1943, I was given an honorable discharge for physical disability (total blindness). I made after that immediately appeal before the Board of Appeals, at Hot Springs, Ark., because I felt, that if I could serve my country during 2½ years of gradually developing and later complete blindness to the satisfaction of my superior officers, I could still be of quite some service at a time where it took more than normal efforts to win a war. My appeal was rejected, however. During the last 2½ years of my duties with the CCC, I was blind for 2 years—nevertheless, I was able to train hundreds of enrollees of which many served and fought with our armed services during the years to come.

I have stressed this point for two reasons. First of all to show that I considered it a duty as much as a privilege to continue my services for my country and that I tried the way of appeal to make that possible. Second, that my total disability occurred while serving as camp commander with the CCC, being qualified to such service only by the fact that I was a Reserve officer and subject to call to active duty at any time.

I would appreciate it very much if the foregoing explanations would be considered and used in my behalf.

With my most sincere appreciation, I remain,

Very truly yours,

RAYMOND GEORGE PALMER.